International Labour Organization

ILC.113/Report V(1)

Realizing decent work in the platform economy

International Labour Conference
113th Session, 2025

Report V(1)

▶ Realizing decent work in the platform economy

Fifth item on the agenda

International Labour Office, Geneva

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First published 2024

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ISBN 978-92-2-039810-4 (print)
ISBN 978-92-2-039811-1 (web PDF)
ISSN 0074-6681

Also available in:
Arabic: ISBN 978-92-2-039812-8 (print), ISBN 978-92-2-039813-5 (web PDF);
Chinese: ISBN 978-92-2-039814-2 (print), ISBN 978-92-2-039815-9 (web PDF);
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Formatted by RELMEETINGS: ILC113(2025)-V(1)-[WORKQ-231121-002]-En.docx
Printed in Switzerland

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Introduction

1. The ILO Centenary Declaration for the Future of Work, adopted by the International Labour Conference at its 108th Session (2019), calls on all ILO Member States to put in place "policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work".

2. The platform economy is one of the most significant manifestations of the changes induced by the digitalization of the world of work. The growth of this economy has opened up new markets for businesses and created new jobs and income opportunities, often with high flexibility and low barriers of access for workers. Consumers have also benefited from cheaper and more convenient goods and services, particularly in underserved areas. At the same time, the platform economy is also significantly transforming the ways work is organized and performed, with new challenges emerging in ensuring that workers on platforms have access to decent work.

3. The ILO Governing Body decided at its 341st Session (March 2021) "to request the Office to convene a tripartite meeting of experts on the issue of 'decent work in the platform economy' in the course of 2022"; [1] the meeting took place in Geneva from 10 to 14 October 2022. At its 346th Session (October–November 2022), the Governing Body, having been informed of the results of the meeting of experts, decided to place on the agenda of the 113th Session (2025) of the Conference an item on decent work in the platform economy and requested the Office to present to the 347th Session (March 2023) of the Governing Body a normative gap analysis to inform its decision-making on the nature of the item to be placed on the agenda of the Conference. [2]

4. Finally, during its 347th Session (March 2023), the Governing Body, having taken note of the normative gap analysis that was conducted by the Office, [3] decided to place on the agenda of the 113th Session (June 2025) a standard-setting item with a double-discussion procedure. [4] In accordance with the Standing Orders of the International Labour Conference relating to a double-discussion procedure, [5] the Office has prepared this report which provides up-to-date information on platform work and the regulations and practices related to it from around the world. It is intended to inform the discussions at the Conference and to help Member States in responding to the appended questionnaire.

5. The report begins with an introduction to the platform economy, outlining its rapid growth, and exploring its diversity (Chapter 1). It then focuses on the dynamics of work in the platform economy by zooming in on platforms that connect businesses and clients with workers. It analyses the growth and prevalence of platform work and discusses the characteristics of workers on platforms (Chapter 2).

6. The report then discusses existing regulatory frameworks. It examines the applicability of international labour standards to platform work, highlighting the importance of the framework

[1] ILO, *Minutes of the 341st Session of the Governing Body of the International Labour Office*, GB.341/PV, 2021, para. 50(c).

[2] ILO, *Minutes of the 346th Session of the Governing Body of the International Labour Office*, GB.346/PV, 2022.

[3] ILO, *A Normative Gap Analysis on Decent Work in the Platform Economy*, GB.347/POL/1, 2023.

[4] ILO, *Minutes of the 347th Session of the Governing Body of the International Labour Office*, GB.347/PV(Rev.), 2023, para. 876.

[5] ILO, *Standing Orders of the International Labour Conference* art. 46(1).

provided by existing ILO standards, while identifying existing gaps. It also provides an overview of legal instruments and practices among Member States and examines the diversity of approaches to regulatory interventions (Chapter 3). This is followed by a description of how countries define platforms and platform workers (Chapter 4).

7. A more detailed description of legal instruments [6] and practices relating to the different dimensions of decent work follows. Drawing on case law and legislation, it discusses the classification of the employment relationship and how this issue is addressed among Member States (Chapter 5). The application of fundamental principles and rights at work to platform workers is discussed in Chapter 6. This is followed by an introduction to the impact of the platform economy on job creation, including actions taken by Member States to take advantage of its potential in terms of employment creation (Chapter 7).

8. The report then presents trends, gaps and emerging legislative practices in relation to labour protection for platform workers (Chapter 8). The analysis focuses on remuneration, working hours, contract termination or deactivation, the protection of data and dispute resolution mechanisms. The report shows that despite the complexity and the specificities of work on platforms, it is possible to observe a trend towards the extension of these protections to workers on platforms, with several of these protections also being extended to self-employed workers.

9. Chapter 9 considers the subject of social security and discusses approaches by Member States to extend social security coverage to workers on platforms. Representation of workers and platforms as well as bipartite and tripartite social dialogue are other important aspects of the legal framework, and are discussed in Chapter 10. The report also considers access to information, and provides examples of national responses aimed at ensuring transparency and protecting workers' rights, particularly regarding the utilization of algorithms (Chapter 11). The report then explores compliance and enforcement measures applied by Member States, including penalties for non-compliance (Chapter 12).

10. Following the description of law and practices, the report discusses how the Office and other international agencies have been working on platform work (Chapter 13). The Office has not only developed a broad range of research activities, but is also increasingly requested to provide support to a growing number of Member States willing to adopt regulations and policies regarding platform work. This report concludes with the key considerations from the Office in relation to standard setting on decent work in the platform economy (Chapter 14).

11. The report includes the questionnaire, for which Governments are requested "to consult the most representative organizations of employers and workers before finalizing their replies". [7] The responses should reach the Office "as soon as possible and not less than 11 months before the opening of the session of the Conference at which the first discussion is to take place" [8] (June 2025).

[6] This term is used in a broad sense to include statutes, regulations, codes of practice and other legislative instruments. It also refers to collective bargaining agreements and court decisions of relevance to platforms and platform work.

[7] *Standing Orders of the International Labour Conference*, art. 46(1).

[8] *Standing Orders of the International Labour Conference*, art. 46(2)

Chapter 1

The emergence and diversity of the platform economy

12. Following its emergence in the 1990s, the platform economy has grown rapidly in size and importance, driven largely by technological developments, including access to smartphones, high-speed internet, cloud computing and the increasing capacity to extract, exploit and track data. [9]

13. There is no internationally agreed terminology or definition of what the platform economy is. Various terms are used, including: "collaborative economy", "peer-to-peer economy", "gig economy", "on-demand economy" or "platform economy". [10] Nevertheless, the latter term is frequently used, as it emphasizes the distinctive feature of these economic activities – the fact that they are conducted through digital platforms. [11]

14. Digital platforms have been described as "digital infrastructures that enable two or more groups to interact [and] position themselves as intermediaries". [12] A similar description is the one that considers digital platforms as "an enterprise that uses the internet to facilitate economically beneficial interactions between two or more independent groups of users". [13] Taking a similar approach, the Organisation for Economic Co-operation and Development (OECD), ILO and Eurostat *Handbook on Measuring Digital Platform Employment and Work* describes the digital platform as "a 'digital interface' or an 'online service provider' ... positioned between the providers of the services or goods and their clients". [14] For the purposes of this report, this latter description has been used.

15. The platform economy is dynamic and expanding, encompassing "billions of supply-side and demand-side users, millions of app developers, thousands of digital infrastructure firms and the hundreds of multisided platform firms". [15] Accurately counting the number of platforms remains a challenge, with most data focusing on larger companies. One indicative measure of the scale of these larger companies is market capitalization. In 2018, 242 digital platforms had a market capitalization or valuation at least of US$100 million. Their combined market value reached US$7.1 trillion, with 69 per cent of that value concentrated in the seven largest companies. [16] Since then, these seven companies have more than doubled their market caps and are now worth US$10.2 trillion. [17] The Platform Index, [18] which tracks the market value of the 25 largest publicly

[9] Zoltan J. Acs et al., "The Evolution of the Global Digital Platform Economy: 1971–2021", *Small Business Economics* 57, No. 4 (2021): 1629–1659.

[10] Jacques Bulchand-Gidumal and Santiago Melián González, *La revolución de la economía colaborativa* (Madrid: LID Editorial, 2018).

[11] Florian A. Schmidt, *Digital Labour Markets in the Platform Economy. Mapping the Political Challenges of Crowd Work and Gig Work* (Friedrich Ebert Stiftung, 2017).

[12] Nick Srnicek and Laurent De Sutter, *Platform Capitalism* (Cambridge: Polity Press, 2017), 30.

[13] Vera Demary and Christian Rusche, *The Economics of Platforms* (Cologne: Institut der deutschen Wirtschaft, 2018), 8.

[14] OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*, 2023, 40.

[15] Acs et al., 3.

[16] KPMG, *Unlocking the Value of the Platform Economy*, 2018.

[17] CompaniesMarketCap, "Largest Companies by Market Cap", CompaniesMarketCap database, accessed 14 November 2023.

[18] For more information, see Ecodynamics, Platform Index – Top 15 Modern Platforms, 2020.

traded platform companies, notably outperformed benchmark indices such as the NASDAQ, Dow Jones and DAX40 from 2017 to 2021.

16. Though characterized by significant diversity, the platform economy can be described as the ecosystem [19] where digital platforms operate. It encompasses a wide range of activities, from global to regional to local, [20] and includes multiple types of digital platforms, business models and operating sectors. Some digital platforms provide not-for-profit services, whereas others have a strong commercial and profit-oriented focus. In terms of market participants, digital platforms may be peer-to-peer (P2P), business-to-business (B2B), or business-to-consumer (B2C). They serve as connectors for supply and demand across various domains, such as new or second-hand consumer and industrial goods, audio-visual content, professional services, or labour. [21]

17. The platform economy is present in a large and growing number of sectors and subsectors, including (among others): accommodation; advertising and market research; arts, entertainment and recreation; care services; education; financial services; information and communication; repair of personal and household goods; transport; and wholesale and retail trade.

1.1. Business models, competitive advantages and market power

18. Most platforms differ from conventional businesses by their inherent structure, which is designed to facilitate the interaction between customers and suppliers, thereby generating value along both sides of the value chain. Consequently, the value of the platform depends to a large extent on its ability to connect supply and demand. Various platform business models have evolved to offer goods and services, including: [22]

- **Open source** – Platforms providing a service for free, creating value and capturing value through subscriptions (usually to institutional customers).
- **Freemium** – Platforms providing a limited service for free and capturing value through premium subscriptions.
- **Ad-supported** – A family of platform business models that create value primarily through advertising.
- **Subscription-based** – Platforms where users pay a single subscription and have access to the product or service.
- **Two-sided "on-demand"** – Platforms that act as the intermediary between two parties, with varying degrees of control over the transaction. These platforms create value through per-use fees charged based on the interaction between parties.

19. It is important to note that these models are ideal types. [23] Many platforms use more than one business model, or even use models not described above.

20. **Digital platforms have several competitive advantages.** Digital platforms reduce transaction costs in the provision of goods and services and reduce information asymmetries in the market, as the user can compare different services of varying price or quality before making a decision. [24]

[19] Acs et al.

[20] Namita Datta et al., *Working Without Borders: The Promise and Peril of Online Gig Work* (World Bank, 2023).

[21] ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, 2021.

[22] Paul Langley and Andrew Leyshon, "Platform Capitalism: The Intermediation and Capitalisation of Digital Economic Circulation", *Finance and Society* 3 No. 1 (2017): 11–31.

[23] Gennaro Cuofano, "Digital Business Models Map", in *Medium,* 31 January 2019.

[24] Eric Brousseau and Thierry Pénard, "The Economics of Digital Business Models: A Framework for Analyzing the Economics of Platforms", *Review of Network Economics* 6, No. 2 (2007): 81–114.

Digital platforms also benefit from economies of scale. Once their initial structure is established, high transaction volumes drive down the cost of each additional unit, so that the value added by the platform increases with scale, attracting new participants to the intermediated transactions. This positive feedback is called the "network effect" and the larger the platform, the more likely it is to continue to grow at little or no cost. Another competitive advantage of platforms is the regulatory ambiguity they enjoy in some jurisdictions. Moreover, the platforms themselves bear very few costs related to underutilization of resources (maintenance of stocks, unused working hours or waiting times), since they pass these cost on to providers. [25]

21. **In some circumstances, digital platforms can exercise significant market power.** On the demand side, platforms may act as a monopsony by unilaterally tightening access conditions, demanding exclusivity or increasing financial commissions. On the supply side, platforms can act as monopolies, a position that allows them, for example, to increase user fees. This double capture of value, when it exists, increases intermediation revenues, and is directly related to the network economy effect mentioned above. [26] While small businesses can benefit from using platforms to access markets, increase their market share and advance their digital transformation process, the relative bargaining power of platforms and small businesses can be highly unequal. [27]

22. The entry of platforms into an economic sector can lead to a fall in market prices in that sector. Depending on the market power of the platforms in each sector, a reduction in costs may either be primarily passed on to consumers or lead to an increase in a platform's margins and therefore be appropriated by the platform. Wealth concentration in major platforms empowers them to control innovation, shape digital infrastructure and erect entry barriers. [28]

23. **Algorithms are a defining feature of digital platforms,** [29] to the extent that some consider the "algorithm revolution and cloud computing [to be] the foundations of the platform economy". [30] Algorithms play a crucial role in processing and tracking large quantities of data, which is essential for platforms that rely on efficiently matching supply with demand. Algorithms can identify peaks in demand and guide suppliers on the optimal time and place to offer their services, [31] reducing transaction costs by minimizing resources idleness. They also enable platforms to adjust prices in real time through dynamic pricing. Additionally, algorithms facilitate the identification of consumer behaviour and customer profiling, with the goal of offering personalized solutions to clients. [32]

[25] José Moisés Martín Carretero, "Las plataformas digitales como modelo de negocio", in *Las plataformas digitales y el mercado de trabajo*, ed. María Luz Rodríguez Fernández (Madrid: Ministerio de Trabajo, Migraciones y Seguridad Social, 2018), 15–34.

[26] Martín Carretero.

[27] Filipe Da Silva, Julia De Furquim and Georgina Núñez Reyes, *La libre concurrencia en la economía digital: las micro, pequeñas y medianas empresas (mipymes) en América Latina y el impacto del COVID-19* (United Nations Economic Commission for Latin America and the Caribbean (ECLAC), 2020).

[28] ILO, *World Employment and Social Outlook 2021*.

[29] This report refers to algorithms which are digitally encoded and implemented by computers, and from which process data is processed, from Sara Baiocco et al., *The Algorithmic Management of Work and Its Implications in Different Contexts*, European Commission JRC Working Paper Series on Labour, Education and Technology No. 2022/02, 2022.

[30] Martin Kenney and John Zysman, "The Rise of the Platform Economy", *Issues in Science and Technology* 32, No. 3 (2016): 61–69.

[31] Alex J. Wood, "Algorithmic Management: Consequences for Work Organisation and Working Conditions", European Commission JRC Working Papers Series on Labour, Education and Technology No. 2021/07, 2021.

[32] Cuofano.

Chapter 2

The nature of work on platforms

2.1. Platforms connecting businesses and clients to workers

24. Within the platform economy, there are platforms that link businesses and clients to workers, either by acting as an intermediating entity or by directly engaging workers to provide particular services. [33] While Chapter 1 focused on the platform economy as a whole, the following chapters concentrate on these types of platforms, as well as work taking place on or through them. [34] Indeed, the scope of most of legislative action related to the platform economy focuses on work that is carried out through or on these platforms, as will be detailed in Chapter 3 below.

25. An important distinction can be made between location-based and online platforms. In the case of **location-based platforms**, the services are provided in a specific location by individuals (for example, deliveries, passenger transport or domestic work). However, with **online platforms**, workers provide their services remotely (for example, software programming, translation services or content moderation). Online platforms can be further categorized as crowdwork (or microwork) freelance and competitive programming platforms, with some researchers also including content creation (such as YouTube) as an additional subcategory of online platforms. [35]

26. While some platforms opt to use employment contracts when engaging workers, the majority characterize themselves as technological intermediaries and classify most of the workers as self-employed. This classification has a significant impact on access to labour and social protections, labour relations, and the overarching framework of employment within these platforms, driving a large share of the current discussions on platform work. [36]

2.1.1. Number of platforms and prevalence of work on platforms

27. To understand the number of platforms connecting businesses and clients to workers and their sectoral distribution, an estimation was conducted drawing on diverse information sources. The findings indicate substantial growth in the number of such platforms, rising from 193 in 2010 to 1,070 in 2023. [37] The largest number of these platforms (357) were online platforms, followed by platforms in the delivery sector (334), individual transport of passengers (119), care work (121),

[33] OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*.

[34] By focusing on work carried out through or on platforms that connect businesses and clients to workers, the remainder of this report does not focus on platforms acting as online intermediaries in the sale of goods or on platforms that coordinate the temporary use of physical assets.

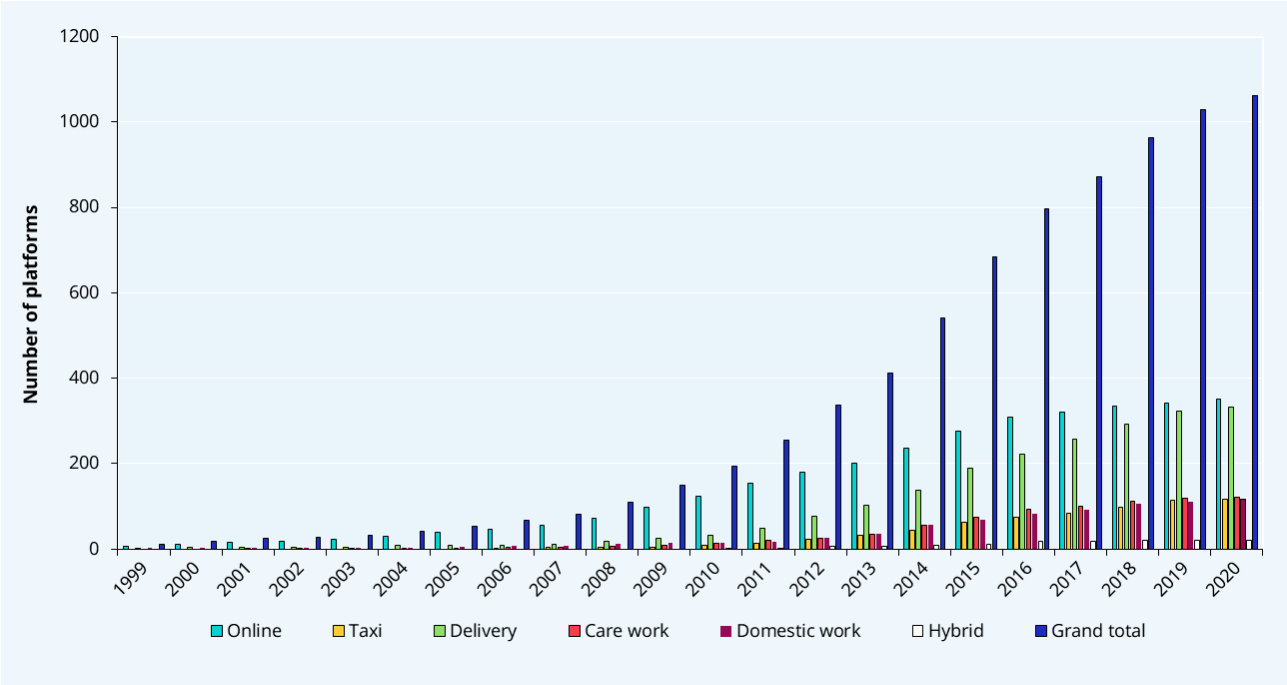
[35] Agnieszka Piasna, Wouter Zwysen and Jan Drahokoupil, *The Platform Economy in Europe: Results from the Second ETUI Internet and Platform Work Survey*, ETUI Working Paper No. 2022.05, 2022.

[36] ILO, *Decent Work in the Platform Economy: Reference Document for the Meeting of Experts on Decent Work in the Platform Economy*, MEDWPE/2022, 2022.

[37] These are updated figures from the ILO's *World Employment and Social Outlook 2021* and were produced using the Crunchbase database. This database is self-reporting and at the time covered 98 countries around the world, which might mean that some active platforms, particularly in low-income countries, were not listed.

domestic work (117) and a small number (22) of hybrid platforms engaged in the provision of various services. [38]

Figure 1. Number of active platforms connecting businesses and clients to workers globally, selected categories



Source: Uma Rani et al., *Rise of digital labour platforms: Do we see a consolidation through mergers and acquisitions?*, forthcoming, based on Crunchbase database.

28. To identify the number of workers involved on platforms is difficult due to the absence of an agreed definition and measurement methods. There are questions related to work on platforms in official surveys, including labour force surveys, internet usage surveys, other types of household surveys and establishment surveys, [39] but those are still scarce and often not fully comparable. There are various other approaches to estimate the prevalence of work on platforms, including unofficial surveys and information provided by platforms, with both presenting advantages and disadvantages. [40] Recently, the World Bank developed its own estimations for workers on online platforms, using two different methods. [41]

[38] ILO, *World Employment and Social Outlook 2021*.

[39] OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*.

[40] For example, see Otto Kässi, Vili Lehdonvirta and Fabian Stephany, "How Many Online Workers are There in the World? A Data-Driven Assessment", *Social Science Research Network* (2021).

[41] The first method uses the platforms as sources, with adjustments for more than one worker per account and workers with multiple accounts, and the second method uses Random Domain Intercept Technology.

Table 1. Examples of official surveys with questions related to work on platforms

Country	Year	Survey	Reference period	Prevalence	Definition/target population
Brazil	2022	Household Survey	1 week	1.7% of private employment	Platforms connecting businesses and clients to workers (main job)
Canada	2015–16	Labour Force Survey	12 months	0.3 % of the population aged 18 and older	Only passenger transport platforms
	2018	Canadian Survey of Consumer Expectations	Unknown	1.2% of labour force	Platforms connecting businesses and clients to workers
Chile	2021 onwards	Labour Force Survey	1 week	0.5% of employment	Platforms connecting businesses and clients to workers (main job)
Denmark	2017	Labour Force Survey	12 months	1% of labour force	Platforms connecting businesses and clients to workers
France	2017	Labour Force Survey	1 week	0.8% of employed	Platforms connecting businesses and clients to workers
Italy	2018	INAPP-PLUS	12 months	0.49% of adult population	Platforms connecting businesses and clients to workers
Philippines	2021	Labour Force Survey	1 week	4% of employed	Platforms connecting businesses and clients to workers
Singapore	2020	Labour Force Survey	12 months	3.6% of own-account workers	Platforms connecting businesses and clients to workers
Switzerland	2019	Labour Force Survey	12 months	0.4% of adult population	Platforms connecting businesses and clients to workers
United Kingdom	2022	Labour Force Survey	12 months	no estimates yet	Platforms connecting businesses and clients to workers
United States	2017	Labour Force Survey	1 week	1% of employed	Platforms connecting businesses and clients to workers
Multi-national					
16 EU countries and Norway	2018–19	Eurostat Community Survey on ICT	12 months	3% of adult population	Platforms connecting businesses and clients to workers

Sources: Brazil, IBGE, *Teletrabalho e trabalho por meio de plataformas digitais 2022: PNAD Contínua*, 2023; OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*, 2023; Chile, Instituto Nacional de Estadísticas, microdata, 2021–2023; Minerva Eloisa P. Esquivias et al., "Initiatives to Measure the Size of Gig Workers and Online-related Occupations in the Philippines Using the Labor Force Survey", Paper presented at the 64th ISI World Statistics Congress, Ottawa, 2023; Costa Rica, Instituto Nacional de Estadística y Censos (INEC), *Encuesta Continua de Empleo: El teletrabajo y uso de plataformas digitales en Costa Rica: una nueva modalidad laboral*, 2023; Eurostat, "Employment Statistics – Digital Platform Workers".

29. The results of official surveys suggest that in most countries the prevalence of work on platforms that connect businesses or clients to workers is still in the low single digits, with percentages ranging from 0.5 per cent in Chile to 4 per cent of total employment in the Philippines. This is consistent with studies based on unofficial surveys such as the second European Trade Union Institute (ETUI) Internet and Platform Work Survey (in which 1.1 per cent of workers in 14 EU countries were labelled "main platform workers" and 4.3 per cent were "any type of platform workers"). [42] Finally, the World Bank, using the sources described earlier, estimates that between 154 million and 435 million active workers are on online platforms, depending on the method used. [43]

30. While the scarcity of comparable statistics and panel data poses challenges, information regarding the rising number of platforms and the demand for work on online platforms indicates that the prevalence of work on platforms may also be increasing.

31. In view of the challenges, the inclusion of questions concerning work on platforms in regular national surveys and the standardization of data collection represent an important imperative. In this respect, the question as to whether the ILO's work related to developing statistical guidelines on digital platform work and employment should be carried out with a view to presenting new standards for discussion at the 22nd International Conference of Labour Statisticians (ICLS) was raised at the 21st ICLS in 2023, receiving support from most of the participants.

2.1.2. Location of platforms and work on platforms

32. In terms of total investment in platforms connecting businesses and clients with workers, it is estimated that Asia receives US$57 billion, North America US$46 billion and Europe US$12 billion, accounting for just over 96 per cent of total investment globally. [44] Such concentration is also found when the focus is limited to online platforms, with over 60 per cent of these platforms having their headquarters in the European Union (EU) or in the United States of America. [45] A recent World Bank study highlights that 73 per cent of online platforms are regional or local. Among these regional platforms, 12 were founded in India, 6 in China and 3 each in Brazil, Kenya and South Africa, indicating that platforms are gaining importance in emerging markets. [46]

33. According to the Online Labour Observatory's Online Labour Index 2020 (OLI 2020), [47] 15 countries account for more than 80 per cent of all workers on major online platforms globally (figure 2).

[42] The label "main platform workers" refers to workers for whom working on a platform is their main job, while "any type of platform workers" refers to workers for whom working on a platform is either their main or their secondary job.

[43] Datta et al. Note the limitations of the estimation methods as discussed in the report.

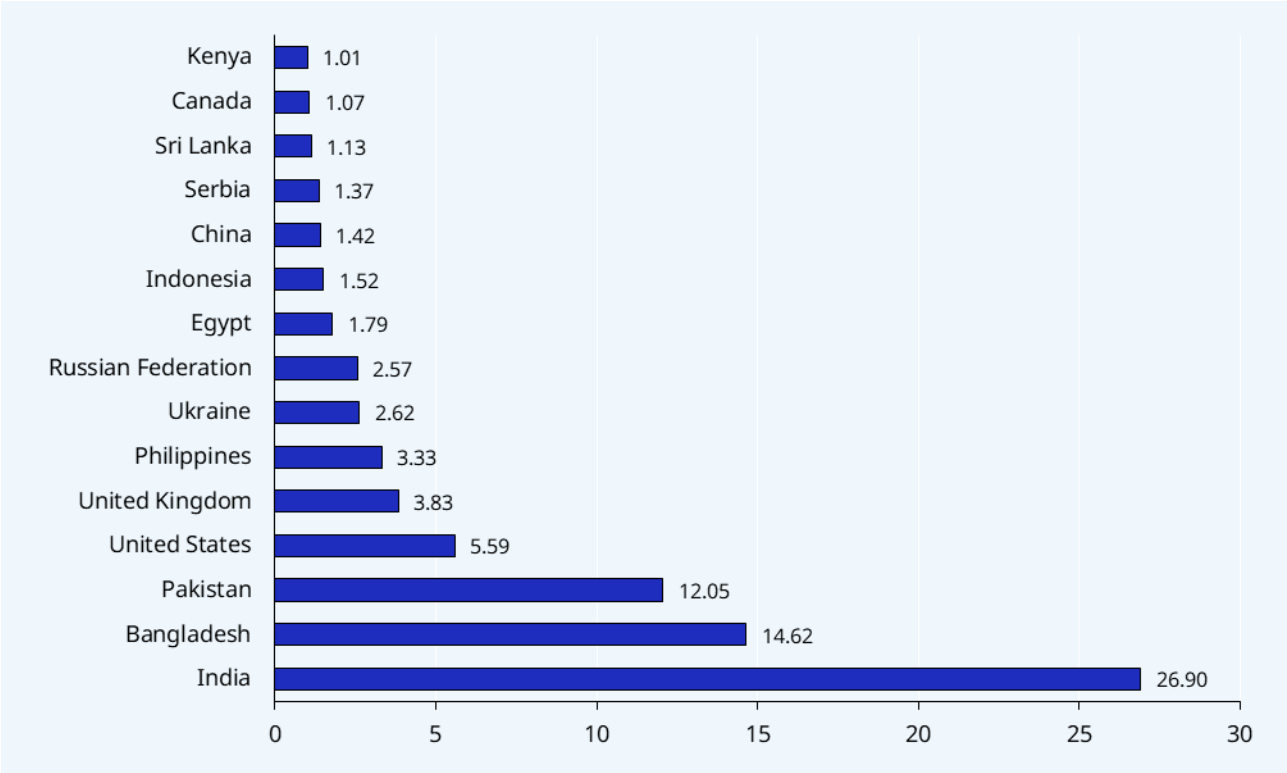
[44] ILO, *World Employment and Social Outlook 2021*.

[45] Datta et al.

[46] Datta et al.

[47] Online Labour Observatory, "The Online Labour Index 2020: Online Labour Supply". The Online Labour Index 2020 is an economic indicator that measures the supply and demand of online freelance labour across countries and occupations. It includes data from 2017 to 2023 and shows online accounts that may count accounts shared by more than one worker and multiple accounts held by a single worker.

Figure 2. Share of all workers on major online platforms globally, top 15 countries worldwide (per cent)



Note: The OLI 2020 survey is not comprehensive in its examination of online platforms, but rather only considers major online platforms covering the five largest English-language platforms, as well as three in Spanish and three in Russian.
Source: Online Labour Observatory, "The Online Labour Index 2020: Online Labour Supply", accessed on 31 August 2023.

2.2. Principal features of work on platforms

2.2.1. Low entry barriers and flexibility

34. As a result of their lower entry barriers, work on platforms [48] can be a source of employment opportunities, notably for some groups who experience difficulty accessing labour markets. Many of these jobs require low capital investment, in some cases only requiring a smartphone and an internet connection. Online platforms offer opportunities beyond what workers can normally find in local labour markets and can be of value to people living in rural areas. [49] Platforms can also have a positive impact on job opportunities for people with disabilities by providing opportunities to gain more personal autonomy and avoid stigmatization. [50] While recognizing the existence of decent work challenges, work on platforms has also been presented as an opportunity for migrant workers [51] and refugees. [52]

[48] The remainder of this report focuses on work carried out through or on platforms that connect businesses and clients to workers, either by acting as an intermediary entity or by directly engaging workers to provide services.

[49] Datta et al.

[50] Paul Harpur and Peter Blank, "Gig Workers with Disabilities: Opportunities, Challenges, and Regulatory Response", *Journal of Occupational Rehabilitation* 30 No. 4 (2020): 511–520.

[51] Veronica Alaimo, María Noel Chaves, and Nicolás Soler, *El futuro del trabajo en América Latina y el Caribe: Cómo garantizar los derechos de los trabajadores en la era digital?* (Inter-American Development Bank, 2019).

[52] Datta et al.

35. Working on platforms can in some instances provide valuable flexibility, notably in regard to working hours and the reconciliation of work and family life. Many young individuals find work on platforms appealing due to its flexibility. A US survey revealed that saving more money (56 per cent), filling income gaps (52 per cent) and a desire for autonomy (49 per cent) were the main motivations to carry out work via a platform. [53] This is also testified to by several studies, including the recent reports produced by the World Bank on online platform work [54] and by the Inter-American Development Bank (IDB) on location-based platform work in Mexico. [55] Some studies point out that platforms can, in some instances, present opportunities for training and professional development for low-skilled and young workers, offering them work experience that could lead to higher-skilled jobs in the technology sector. [56]

36. Working on platforms may enable people to work from home and more easily reconcile work and family life. Studies show that among women, being able to work from home is the main reason for working on online platforms, with one in four women working on platforms having children under the age of 6. [57] While this may on the surface seem like a boon for such workers, seeing work on platforms as a formula to facilitate the reconciliation of work and family life for women may contribute to perpetuating gender stereotypes and inequalities in the labour market and society. [58]

2.2.2. Work on platforms by sector and occupation

37. The majority of workers on platforms connecting businesses and clients to workers are engaged in the delivery and passenger transport sectors. This is true in 17 countries in Europe, where among the 3.0 per cent of all people aged 15 to 64 who performed at least one hour in digital platform employment (DPE) in the last 12 months, 33.3 per cent are engaged in the delivery sector and 13.3 per cent engaged for passenger transport. [59] The same is true in the United States, where 62 per cent of those who receive income from labour or capital platforms are engaged in transport, [60] as well as in China, [61] India [62] and Kenya, [63] where 82 per cent of those who work on platforms do so on passenger transport platforms. With regard to online labour platforms, the main activities undertaken by workers are software development, creative and multimedia content creation, and writing and translation. Administrative tasks and data entry, sales and marketing, and professional services are less prevalent. [64]

[53] Pew Research Center, *The State of Gig Work in 2021*, 2021.

[54] Datta et al.

[55] Oliver Azuara et al., *Digital Platforms in Mexico: What Are the Insurance Preferences and Profiles of DiDi Drivers and DiDi Food Couriers?*, IDB Technical Note No. 02474 (IDB, 2022).

[56] Datta et al.

[57] Uma Rani, Nora Gobel and Rishabh Kumar Dhir, "Experiences of Women on Online Labour Platforms: Insights from Global Surveys", in *Global Perspectives on Women, Work, and Digital Labour Platforms* (Digital Future Society, 2022), 13–23.

[58] Francesco Bogliacino et al., *Quantity and Quality of Work in the Platform Economy*, GLO Discussion Paper No. 420, 2019.

[59] Eurostat, "Employment Statistics – Digital Platform Workers".

[60] Diana Farrell, Fiona Greig and Amar Hamoudi, "The Evolution of the Online Platform Economy: Evidence from Five Years of Banking Data", *AEA Papers and Proceedings* 109 (2019): 362–366.

[61] Wei Tu, *New Forms of Employment and Labour Protection in China*, forthcoming.

[62] India, NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

[63] Tom Kwanya and Kutoma J. Wakunuma, *Regulation of Digital Platforms for a Socially-Just Gig Economy in Kenya* (Alexander von Humboldt Institute for Internet and Society, 2023).

[64] Online Labour Observatory.

2.2.3. Primary or secondary occupation

38. For a significant number of workers, their work on platforms supplements their primary income, serving as an additional source of earnings. According to ILO estimates, only around 30 per cent of workers on online platforms rely on these platforms as their main source of income. [65] A World Bank study shows similar figures, with only one in three workers using platforms for their main occupation. [66] In the United States, 53 per cent of workers on platforms have other jobs. [67] Similar trends exist in 17 countries in Europe, with 52.2 per cent of these workers earning a quarter or less of their income from platforms. [68] Conversely, for location-based platforms, like those in the transport of passengers and delivery sectors, the situation is different, with an estimated 84 and 90 per cent of these workers, respectively, deriving their main source of income from this work. [69]

39. These figures are consistent with the number of hours worked by platforms workers. According to ILO surveys, workers on online platforms work on average 27 hours in a typical week. Average working hours on these platforms are also longer in developing countries (32 hours, including unpaid work) than they are in developed countries (20 hours). [70] Hours of work in the transport of passengers and delivery sectors are substantially higher – with average hours reaching 67 hours and 59 hours per week, respectively – but more than half of respondents indicated that they work even more. [71] This illustrates that for most of the workers in these sectors, platform work is their main source of labour income. A substantial portion of these workers also report working seven days per week (41 and 38 per cent, respectively, in the taxi and delivery sectors). [72]

40. ILO surveys reveal that, for every hour worked or every task paid for, workers on microtask platforms spend approximately 20 minutes engaged in unpaid work, [73] and this increases to 23 minutes on freelance platforms. [74] In the case of location-based delivery platforms, unpaid time can include not only waiting periods between assignments, but also time spent fixing errors, for instance when a restaurant forgets part of an order. [75]

41. Earnings comparisons between platform workers and non-platform workers reveal a mixed picture. Some studies relating to location-based work suggest that workers on platforms in the passenger transport and delivery sectors in some countries earn more than the same types of workers who are not on platforms. [76] Similarly, higher earnings have also been reported in the home repair services, transport and welfare sectors. [77] However, studies estimate that a significant proportion of platform workers' hourly earnings are less than the local minimum

[65] ILO, *World Employment and Social Outlook 2021*.

[66] Datta et al.

[67] United States, Board of Governors of the Federal Reserve System, *Economic Well-Being of U.S. Households in 2022*, 2023.

[68] Eurostat, "Employment Statistics – Digital Platform Workers".

[69] ILO, *World Employment and Social Outlook 2021*.

[70] ILO, *World Employment and Social Outlook 2021*, 166.

[71] Long working hours also characterize traditional taxi and delivery sectors, with 70 and 57 hours per week on average, respectively.

[72] ILO, *World Employment and Social Outlook 2021*, 168.

[73] Unpaid work refers here to work that is undertaken and required in order to complete tasks that are paid but is not accounted for in determining the amount paid to a worker.

[74] ILO, *World Employment and Social Outlook 2021*, 166.

[75] Valeria Pulignano et al., *Does It Pay to Work? Unpaid Labour in the Platform Economy*, ETUI Policy Brief No. 15, 2021.

[76] ILO, *World Employment and Social Outlook 2021*.

[77] Willem Pieter De Groen and Ilaria Maselli, *The Impact of the Collaborative Economy on the Labour Market* (Centre for European Policy Studies, 2016).

wage. [78] In addition, other studies indicate that the earnings of platform workers are about 60 to 80 per cent lower than those of people performing similar tasks in the traditional labour market in India and the United States. [79]

2.2.4. The role of algorithms in monitoring and supervising work

42. While not exclusive to work on platforms, algorithms are increasingly used as tools to enhance supervision and monitoring of work. While extensive monitoring of workers is not new, technology-enhanced management of workers facilitated by artificial intelligence brings these possibilities to unprecedented levels. [80]

43. In many platforms it is an algorithm that invariably offers and grants services or tasks, defines working time, calculates remuneration, implements ratings and rankings systems, and ultimately determines whether workers will continue to provide services. In location-based platforms, geolocation, delivery time mediation and availability monitoring are common. Online platforms often use periodic and random screen shots, typing time tracking, daily task logs or task quality control. Additionally, algorithms automate human supervision of work through customer ratings and rankings.

44. As mentioned earlier, algorithms can enhance efficiency through optimized labour allocation, while also having implications on various dimensions of decent work, which is explored in the chapters ahead.

2.3. Characteristics of workers on platforms

2.3.1. Age profile

45. Workers on platforms do not fit a single specific profile, though they are typically younger than the overall working population. Table 2 shows the average ages of workers on platforms compared with all workers in different regions/countries.

[78] Janine Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (ILO, 2018).

[79] ILO, *World Employment and Social Outlook 2021*.

[80] Valerio De Stefano, *Negotiating the Algorithm: Automation, Artificial Intelligence and Labour Protection*, ILO Employment Policy Department, Employment Working Paper No. 246, 2018.

Table 2. Average age of workers on platforms versus other workers/all workers in selected regions/countries

Region/country	Average age (years)	
	Workers on platforms	Other workers/all workers
Worldwide [1]	33.2 (crowdworkers)	39.5 (all workers)
Worldwide [2]	31 (online); 36 (transport of individual passengers); 29 (delivery)	39.5 (all workers)
European Union [3]	33.9	42.4 (all workers)
European Union [4]	36.4 (delivery); 40.5 (transport of individual passengers)	42.5 (other workers)
Chile [5]	35.7	42.3 (other workers)
Philippines [6]	34.2	39.8 (other workers)

[1] Janine Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (ILO, 2018). [2] ILO, *World Employment and Social Outlook 2021*. [3] Maria Cesira Urzí Brancati, Annarosa Pesole and Enrique Fernández-Macías, *New Evidence on Platform Workers in Europe: Results from the Second COLLEEM Survey* (European Commission Joint Research Centre, 2020). [4] Piasna, Zwysen and Drahokoupil. [5]Chile, National Employment Survey (ENE) microdata, 2021–23. [6] Philippines, Labour Force Survey (LFS) microdata, 2021.

46. In the European Union, workers on platforms have an average age of 33.9 years, compared to 42.4 for the general employed population; [81] indeed, the majority of workers on platforms in 17 European countries are under 30. [82] These figures are consistent with those observed in other parts of the world. The age gap between platform workers and non-platform workers also varies depending on the sector, with for example, only a two-year age difference in the European Union between platform and non-platform transport workers, but a more than six-year difference between platform and non-platform delivery workers. [83]

2.3.2. Education

47. In some countries, evidence indicates that the percentage of workers with higher levels of education is greater on platforms than in traditional sectors. Table 3 illustrates this trend in selected regions and countries.

[81] Urzí Brancati, Pesole and Fernández-Macías.

[82] Eurostat, "Employment Statistics – Digital Platform Workers".

[83] Piasna, Zwysen and Drahokoupil.

Table 3. Educational profile of workers on platforms versus non-platform workers in selected regions and countries (in per cent)

Worldwide (ILO data)	**Category**	**All workers [1]**	**Online [2]**	**Taxi [2]**	**Delivery [2]**
	Basic	44	2	31	28
	Intermediate	30	35	45	51
	Higher	25	63	24	21
European Union (ETUI survey) [3]	**Category**	**Never done internet work**			**Platform workers**
	Lower secondary or less	19.0			11.5
	Upper & post-secondary	53.0			52.0
	Tertiary	28.0			36.5
United States [4]	**Category**	**Not platform**			**Platform main job**
	Primary	8.4			4.3
	Secondary	25.7			21.7
	Higher	65.9			74.0
Brazil [5]	**Category**	**Not platform**			**Platform main job**
	Less than completed secondary	38.7			24.6
	Secondary and incomplete higher	43.1			61.3
	Complete higher	18.2			14.2
Philippines [6]	**Category**	**Not platform**			**Platform main job**
	Primary or less	24.3			16.9
	Secondary	42.4			32.4
	Higher	33.3			50.7
Chile [7]	**Category**	**Not platform**			**Platform main job**
	Primary or less	13.1			2.7
	Secondary	56.4			66.7
	Higher	30.5			30.6

[1] ILOSTAT, as cited in ILO, *Decent Work in the Platform Economy: Reference Document for the Meeting of Experts on Decent Work in the Platform Economy*, MEDWPE/2022, 2022, 22. [2] ILO, *World Employment and Social Outlook 2021*, as cited in MEDWPE/2022, 22. [3] Piasna, Zwysen and Drahokoupil. [4] United States, Current Population Survey (CPS) microdata, 2017. [5] Brazil, IBGE, *Teletrabalho e trabalho por meio de plataformas digitais 2022: PNAD Contínua*, 2023. [6] Philippines, LFS microdata, 2021. [7] Chile, ENE microdata, 2021–23.

48. An ILO survey shows that education levels of platform workers vary depending on the sector. In the passenger transport and delivery sectors, 24 and 21 per cent, respectively, of platform workers have a higher level of educational attainment, which is similar to that which is found among workers as a whole (25 per cent). However, this number rises to 63 per cent among workers on online platforms. [84] Furthermore, studies in 17 countries in Europe [85] as well as in Argentina [86] and Kenya [87] also reveal that workers on platforms have higher levels of education than workers who are not on platforms.

2.3.3. Gender distribution

49. Studies carried out on microtask platforms suggest that work on such platforms is dominated by men, estimating that only one in three workers on these platforms are women. [88] Further, women are found to be largely under-represented on platforms related to the passenger transport and delivery sectors. [89] However, there is a significant prevalence of women on platforms for types of work that have been historically female-dominated, such as care work, domestic work and beauty work, among others. [90] On the other hand, some recent data shows a more nuanced picture. For instance, a World Bank study found that, in certain occupations, there is higher female participation in online platforms compared to their presence in similar non-platform occupations. [91] This trend is corroborated by data from the Philippines, where 52 per cent of workers on platforms are female, compared to 40 per cent outside of platforms, with most platform workers being in the retail trade, administration and personal services sectors. By contrast, in Chile, where the passenger transport and delivery sectors dominate, only 11 per cent of workers on platforms are women. This suggests that the occupational segregation of work on platforms often aligns with that of the traditional labour market. In addition, access to digital technology and skills tends to be more limited among women than men, particularly in developing countries. [92]

2.3.4. Migration status and refugees

50. An ILO survey estimates that close to 17 per cent of freelance work on platforms is carried out by migrant workers, with higher representation in developed countries (38 per cent) compared to developing ones (7 per cent). [93] Table 4 demonstrates that while migrant workers are generally over-represented in work on platforms, the extent varies considerably depending on the regional/national context.

[84] ILO, *World Employment and Social Outlook 2021*.

[85] Eurostat, "Employment Statistics – Digital Platform Workers".

[86] Javier Madariaga et al., *Economía de plataformas y empleo: ¿Cómo es trabajar para una app en Argentina?* (CIPPED, IBD and ILO, 2019).

[87] Kwanya and Wakunuma.

[88] Berg et al.

[89] ILO, *World Employment and Social Outlook 2021*.

[90] Uma Rani et al., "Women, Work and the Digital Economy", *Gender and Development* 30 No. 3 (2022): 421–435.

[91] Datta et al.

[92] Ria Kasliwal, *Gender and the Gig Economy: A Qualitative Study of Gig Platforms for Women Workers*, Observer Research Foundation (ORF) Issue Brief No. 359, 2020.

[93] ILO, *World Employment and Social Outlook 2021*.

Table 4. Share of migrant workers on platforms and in offline work in selected regions and countries (in per cent)

Region/country	Off-platform work	Platform work
Worldwide – Taxi sector [1]	1.4	5.0
Worldwide – Delivery sector [1]	14.9	17.6
European Union [2]	6.0	13.3
16 EU countries + Norway (ETUI survey) [3]	13.0	17.0
Chile [4]	11.8	43.5
United States [5]	17.3	24.3

[1] ILO, *World Employment and Social Outlook 2021*. [2] Urzí Brancati, Pesole and Fernández-Macías. [3] Piasna, Zwysen and Drahokoupil. [4] Chile, ENE microdata, 2021–23. [5] United Sates, CPS microdata, 2017.

51. The ILO estimates that international migrants account for 4.9 per cent of all workers worldwide, suggesting over-representation of migrants working on platforms, particularly in online platforms and those in the delivery sector. [94] In some Latin American countries the proportion of migrant workers among all workers on platforms is particularly high, mainly due to migrants from the Bolivarian Republic of Venezuela. [95]

52. It is often asserted that digital platforms can represent a source of income for refugees, but experience shows that this is not always feasible. The lack of technological infrastructure in many of the places where refugees live and the digital skills gaps represent barriers to accessing and engaging with platforms offering income-earning opportunities. [96]

53. Work on platforms can transcend geographical boundaries. While some countries have strict migration rules, work on online platforms can be performed from anywhere in the world, granting individuals a "virtual entry" into the global workforce.

2.4. Work on digital platforms and informality

54. Three types of informality can be considered:

(i) informality of activities;

(ii) informality of economic units; and

(iii) informality of jobs. [97]

55. These three dimensions are significant considering their potential negative impacts on:

- the resources collected by the State;
- access to adequate labour protection and social security for workers; and
- the level of competition among enterprises.

[94] ILO, *ILO Global Estimates on International Migrant Workers: Results and Methodology*, 2021.

[95] ILO, *El aporte de las personas refugiadas y migrantes venezolanas en los servicios esenciales de reparto de alimentos y medicina durante la pandemia de la COVID-19: Argentina, Colombia, y Perú*, 2021.

[96] ILO, *Digital Refugee Livelihoods and Decent Work: Towards Inclusion in a Fairer Digital Economy*, 2021.

[97] Colin C. Williams, *Review of Country Practices on Using the Traceability of Jobs and Activities on Digital Platforms to Support Formalization*, forthcoming.

56. The relatively high proportion of self-employed workers on platforms may contribute to greater informality compared to non-platform work, as self-employed workers are usually more exposed to informality than employees. Globally, 86.7 per cent of self-employed workers are estimated to own and operate informal economic units, and as such are considered to be in informal employment. By comparison, only 39.8 per cent of employees are thought to be in informal employment. [98] Work on platforms also carries with it the potential for disguised self-employment [99] which further contributes to the risk of being in informality. Other characteristics of work on platforms increase the risk of informality, including undeclared work or activities, particularly in the context of a lack of adapted tax frameworks capable of imposing declaratory obligations on platforms and workers. Empirical evidence in some regions also indicates unintentional non-compliance with social security contributions and tax obligations among self-employed workers. [100] Finally, when work on platforms corresponds to a worker's secondary source of earnings, there is a risk that only their primary source of income will be declared, lowering governments' tax revenue collection and thereby impacting labour and social security regimes.

Box 1. What we know about informality on labour platforms

Although quantified evidence is limited, some results, especially from countries where the overall level of informality in the workforce is relatively low, tend to point towards relatively high levels of informality among platform workers:

- In **France**, just 15 per cent of platform workers said that they planned to report the previous year's income from their work on platforms. [1]
- In the **United Kingdom of Great Britain and Northern Ireland**, only 35 per cent of platform workers had notified, or were intending to notify, the tax authority about income derived from their work on platforms. A total of 54 per cent of all platform workers were not intending to report their earnings. [2]
- Some 76 per cent of platform workers in **Ukraine** and two thirds in **Serbia** report working informally; they are not registered with the authorities as self-employed workers and are not paying social security contributions. In Serbia, while not directly comparable, the proportion of employees and non-platform independent workers in informal employment was significantly lower (7.4 per cent and 39.5 per cent, respectively). [3]
- In **Italy**, while it is estimated that between 11 and 13 per cent of all workers were in informal employment during the last few years (with this figure being 14–17 per cent among own-account workers), [4] almost 40 per cent of workers on platforms do not have a formal agreement [5]. In regard to informality among digital platforms, 44 per cent of digital platforms operating in the country are not formally registered at the National Institute for Social Security. [6]
- A survey of 138 workers on passenger transport platforms in Lagos, **Nigeria** found that all of the survey respondents were informal self-employed workers. No formal employment contracts were found to be in place between the e-hailing platforms and the drivers surveyed, nor were any of the drivers registered as business owners. [7]

[98] ILO, *Women and Men in the Informal Economy: A Statistical Update*, 2023.

[99] In accordance with the Employment Relationship Recommendation, 2006 (No. 198), "a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee, and that situations can arise where contractual arrangements have the effect of depriving workers of the protection they are due".

[100] Colin C. Williams, Mireia Llobera, and Adrian V. Horodnic, *Tackling Undeclared Work in the Collaborative Economy and Bogus Self-Employment* (European Platform Tackling Undeclared Work Working Paper, 2020).

- According to National Labour Survey data from **Chile**, the prevalence of informal employment among workers on digital platforms was 93.5 per cent in the first quarter of 2020, falling to around 75 per cent in September 2023.

[1] Willem Pieter De Groen and Ilaria Maselli, *The Impact of the Collaborative Economy on the Labour Market*, Centre for European Policy Studies Special Report No. 138, 2016. [2] Nilufer Rahim et al., *Research on the Sharing Economy* (Her Majesty's Revenue and Customs, 2017). [3] Mariya Aleksynska, *Digital Work in Eastern Europe: Overview of Trends, Outcomes and Policy Responses*, ILO Working Paper No. 32, 2021. [4] ILO, "SDG indicator 8.3.1 – Proportion of Informal Employment in Total Employment by Sex and Sector", ILOSTAT database, accessed 15 September 2023. [5] INAPP-PLUS (Participation, Labour, Unemployment Survey), 2018. See also Valeria Cirillo, Dario Guarascio and Sergio Scicchitano, "Platform Workers in Italy: An Empirical Exploration on Worker-Level Data", Presentation at the Modernizing Social Protection System in Italy (MOSPI) Workshop, 7 October 2019. [6] Italy, Istituto Nazionale Previdenza Sociale, *XVII Rapporto Annuale*, 2018. [7] Katarzyna Cieslik, Roland Banya, and Bhaskar Vira, "Offline Contexts of Online Jobs: Platform Drivers, Decent Work, and Informality in Lagos, Nigeria", *Development Policy Review* 40 No. 4 (2022), e12595.

57. The traceability of activities on platforms, including through the use of digital contracts and the digitization of transactions, presents an opportunity to formalize economic activities that are frequently hidden from the eyes of the authorities. This can be a crucial factor in advancing decent work and ensuring compliance. The "range of data that could be made available includes: (i) data collected and held by platforms; (ii) data from complaint reporting tools which enable users and platform workers to report informal activities by any party; and (iii) data collected and held by banks on payments between specific users and platform workers". [101] The realization of the potential of such traceability will be contingent, however, on collaboration and information-sharing between platforms and the competent national authorities. The overall effect of these dynamics on formalization is likely to vary depending on the context and sector of activity, including the initial level of formalization in the economy and the country's current institutional capacity.

[101] Williams, *Review of Country Practices on Using the Traceability of Jobs and Activities on Digital Platforms to Support Formalization*, forthcoming.

Chapter 3

The regulatory framework

3.1. International law and platform work

58. There are no international instruments of comprehensive application to digital labour platforms. In the wider United Nations (UN) system, the platform economy has nevertheless been considered in various reports, particularly in relation to digital inclusion [102] and new challenges concerning the use of personal data, [103] as well as in a report of the UN Special Rapporteur on extreme poverty and human rights. [104] Platforms have, however, been the subject of specific attention from the European Union and the OECD in relation to tax reporting, [105] as well as in a specific EU proposal for a directive aimed at improving the working conditions in platform work. [106]

59. At the request of the ILO Governing Body, the Office prepared the report *A Normative Gap Analysis on Decent Work in the Platform Economy*, which considered gaps in the specific scope of application of international labour standards as well as thematic gaps, namely issues that are relevant to the platform economy but do not appear to be fully addressed in existing ILO standards. [107] The scope of application of standards was examined in the light of their express provisions and the views of the ILO supervisory bodies. [108]

60. The following sections examine the key international labour standards of relevance to decent work in the platform economy as discussed in detail in the normative gap analysis document.

[102] See, for example, United Nations Conference on Trade and Development (UNCTAD), *Digital Economy Report: Pacific Edition 2022 – Towards Value Creation and Inclusiveness*, 2023.

[103] See, for example, UNCTAD, *Digital Economy Report 2021: Cross-border Data Flows and Development – For Whom the Data Flow*, 2021.

[104] United Nations, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, A/78/175, 2023, para. 63.

[105] See, for example, Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation, *OJ L* 104, 25 March 2023; and OECD, *Model Rules for Reporting by Digital Platform Operators: XML Schema – User Guide for Tax Administrations*, 2022.

[106] Council of the European Union, Proposal for a Directive of the European Parliament and of the Council on Improving Working Conditions in Platform Work – General Approach, 7 June 2023.

[107] ILO, *A Normative Gap Analysis on Decent Work in the Platform Economy*, GB.347/POL/1, 2023.

[108] The Committee of Experts on the Application of Conventions and Recommendations (CEACR) undertakes an impartial and technical analysis of how Conventions are applied in law and in practice by Member States, while cognizant of different national realities and legal systems. In doing so, the CEACR must determine the legal scope, content and meaning of the provisions of Conventions. The Committee's opinions and recommendations are non-binding, being intended to guide the action of national authorities. See: ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.110/III(A), 2022, para. 23. While the Committee on Freedom of Association (CFA) must ensure the principles of universality, continuity, predictability, fairness and equal treatment in the area of freedom of association, each case on which it issues conclusions and recommendations is unique and should be considered within its own specific context. See: ILO, *Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association*, sixth edition, 2018, para. 9.

Freedom of association and collective bargaining

61. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), applies to all "workers … without distinction whatsoever". [109] The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has expressly stated that Convention No. 87 covers, among others, workers in the informal economy and self-employed workers, [110] and multiple comments of the CEACR have referred to the application of the Convention to platform workers. [111] The Committee on Freedom of Association (CFA) has stressed that the criterion for determining the persons covered by the right to organize is not based on the existence of an employment relationship. [112]

62. The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), applies to "workers" (Article 1). [113] The CEACR has stated that the right to collective bargaining should also cover organizations representing self-employed workers. [114] This was reiterated in its 2020 General Survey in referring to the applicability of the full range of fundamental principles and rights at work irrespective of employment status. [115] Several comments of the CEACR also specifically concern the application of Convention No. 98 to platform workers. [116] In two cases, [117] the CFA has requested the governments concerned to:

> hold consultations … with all the parties involved with the aim of finding a mutually acceptable solution so as to ensure that workers who are self-employed could fully enjoy trade union rights for the purpose of furthering and defending their interest, including by the means of collective bargaining; and … in consultation with the social partners concerned, to identify the particularities of self-employed workers that have a bearing on collective bargaining so as to develop specific collective bargaining mechanisms relevant to self-employed workers, if appropriate.

63. While a majority of participants in the Meeting of Experts on Decent Work in the Platform Economy supported the views expressed by the ILO supervisory bodies, the Employers' group questioned the applicability of Convention No. 98 to all platform workers. In their view, Article 4 of Convention No. 98 makes the right to collective bargaining conditional on an employment relationship. [118] This position has also been expressed by the Employers' group within the supervisory bodies on several occasions. [119]

[109] See Art. 2 of Convention No. 97. However, the extent to which the guarantees provided for in the Convention shall apply to the armed forces and the police shall be determined by national laws or regulations (Art. 9(1)).

[110] ILO, *Giving Globalization a Human Face*, ILC.101/III/1B, 2012, para. 53.

[111] CEACR, Direct request – Convention No. 87 – Greece, adopted in 2021; CEACR, Direct request – Convention No. 87 – Canada, adopted in 2020.

[112] ILO, *Freedom of Association: Compilation*, paras 326 and 330.

[113] However, the extent to which the guarantees provided for in the Convention shall apply to the armed forces and the police shall be determined by national laws or regulations (Article 5(1)), and the Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way (Article 6).

[114] ILO, *Giving Globalization a Human Face*, para. 209.

[115] ILO, *Promoting Employment and Decent Work in a Changing Landscape*, ILC.109/III(B), 2020, para. 327.

[116] CEACR, Direct request – Convention No. 98 – Belgium, adopted in 2020; CEACR, Direct request – Convention No. 98 – Canada, adopted in 2020.

[117] ILO, *376th Report of the Committee on Freedom of Association*, GB.325/INS/12, 2015, para. 351(b); ILO, *363rd Report of the Committee on Freedom of Association*, GB.313/INS/9, 2012, para. 467(e).

[118] ILO, *A Normative Gap Analysis on Decent Work in the Platform Economy*, para. 10.

[119] See, for example, Committee on Application of Standards, Individual Case – Discussion: Convention No. 98 – Ireland, 2016.

Forced labour

64. The Forced Labour Convention, 1930 (No. 29), protects "any person" from whom work or service is exacted (Article 2(1)). [120] The Abolition of Forced Labour Convention, 1957 (No. 105), covers "any form of forced or compulsory labour" in five specific circumstances (Article 1). The CEACR has expressly stated that Conventions Nos 29 and 105 contain no provisions that allow for limiting the scope of their application by excluding certain categories of workers and that they are designed to protect the entire population of the countries that have ratified them. [121] There does not appear to be any gap in the scope or issues covered by the Conventions on forced labour.

Child labour

65. The Minimum Age Convention, 1973 (No. 138), requires States parties to the Convention to progressively raise the minimum age for "admission to employment or work" to a level consistent with the fullest physical and mental development of young persons (Article 1). The CEACR has stated that Convention No. 138 applies to all sectors of economic activity and covers all forms of employment or work, whether or not there is a contractual employment relationship, including self-employment as well as unpaid work and work in the informal economy. [122] The Worst Forms of Child Labour Convention, 1999 (No. 182), applies to "all persons" under the age of 18 (Article 2). The CEACR has expressly stated that the Convention applies equally to employed and self-employed children. [123]. There does not appear to be any gap in the scope or issues covered by the Conventions on child labour.

Equality of opportunity and treatment

66. The Equal Remuneration Convention, 1951 (No. 100), establishes the principle of equal remuneration for "men and women workers" for work of equal value (Article 1). The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), applies to "employment and occupation" (Article 1). According to the CEACR, Conventions Nos 100 and 111 apply to all workers, both nationals and non-nationals, in all sectors of activity, in the public and the private sectors, and in the formal and informal economy. [124] The Workers with Family Responsibilities Convention, 1981 (No. 156), applies to "all branches of economic activity and all categories of workers" (Article 2). The CEACR has stressed that all workers should be covered, whether in full-time, part-time, temporary or other forms of employment, and whether they are in wage or non-wage employment. [125]

67. With respect to equality and non-discrimination, there does not appear to be a gap in terms of the scope of application of the relevant standards, but the prevention of discriminatory biases in the use of algorithms in the context of platform work was mentioned as a gap by some participants at the Meeting of Experts on Decent Work in the Platform Economy (see below under "Algorithms").

68. The Violence and Harassment Convention, 2019 (No. 190), applies to "workers and other persons in the world of work, including employees as defined by national law and practice, as well as

[120] The definition was reaffirmed in the Protocol of 2014 to the Forced Labour Convention, 1930 (Art. 1(3)).

[121] ILO, *Giving Globalization a Human Face*, para. 261.

[122] ILO, *Giving Globalization a Human Face*, para. 332.

[123] ILO, *Giving Globalization a Human Face*, para. 433.

[124] ILO, *Giving Globalization a Human Face*, paras 658 and 733.

[125] ILO, *Workers with Family Responsibilities*, International Labour Conference, 80th Session, Report III (Part 4B), 1993, para. 46.

persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer" (Article 2). Therefore, its scope does not appear to give rise to a gap in the application to self-employed workers. The Convention also specifically covers violence and harassment occurring through "work-related communications, including those enabled by information and communication technologies" (Article 3).

Occupational safety and health

69. The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), is not limited in its scope of application and provides for the promotion and advancement, at all relevant levels, of the right of workers to a safe and healthy working environment (Article 3(2)). The accompanying Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), expressly provides that the national occupational safety and health (OSH) system should provide appropriate measures "for the protection of all workers, in particular, workers in high-risk sectors, and vulnerable workers such as those in the informal economy and migrant and young workers" (Paragraph 3).

70. The Occupational Safety and Health Convention, 1981 (No. 155), requires ratifying States to formulate, implement and periodically review a coherent national policy on OSH and the working environment. The rights and duties of workers in the Convention apply to "all employed persons, including public employees", in accordance with the definition of the term "workers" used for the purposes of the Convention (Article 3(b)).

71. Therefore, although the fundamental principle and right to a safe and healthy working environment applies to all, the scope of application of Convention No. 155 does not extend to self-employed workers. However, the Occupational Safety and Health Recommendation, 1981 (No. 164), which supplements Convention No. 155, provides that provision should be made for such measures as may be necessary and practicable for self-employed persons, and that these measures should provide protection analogous to that provided for in Convention No. 155 and Recommendation No. 164 (Paragraph 1(2)).

Employment policy and promotion

72. There does not appear to be any gap in the scope or issues covered by the Employment Policy Convention, 1964 (No. 122). The Convention requires Members to declare and pursue an active policy aimed at promoting "full, productive and freely chosen employment" (Article 1), and according to the CEACR it applies to all workers, whether they are dependent or self-employed. [126] Part IV of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), specifically refers to facilitating the development of technology (Paragraph 20) and provides that Members should endeavour to ensure that the negative effects of technological changes are eliminated, to the extent possible (Paragraph 22(c)).

73. The Private Employment Agencies Convention, 1997 (No. 181), applies to "all categories of workers" and "all branches of economic activity" (Article 2(2)). The term "private employment agency" is defined as any natural or legal person, independent of the public authorities, which provides the labour market services listed in the Convention (Article 1(1)). According to the CEACR, this generally encompasses any recruiter or direct service supplier outside the realm of public

[126] ILO, *A Normative Gap Analysis on Decent Work in the Platform Economy*, GB.347/POL/1, 2023, para. 24.

employment services, but the Committee has not adopted a view on whether some digital labour platforms may be considered as private employment agencies.

74. Several participants in the Meeting of Experts mentioned the existence of multiparty work relationships in the platform economy among the thematic gaps, either because ILO standards do not fully apply to them or because compliance and enforcement pose additional challenges.

The employment relationship

75. The Employment Relationship Recommendation, 2006 (No. 198), calls for the adoption of a national policy of protection for "workers who perform work in the context of an employment relationship", with the objective of combating "disguised employment relationships", to ensure that employed workers in such relationships have the protection that they are due. As discussed in this report, the classification of platform workers has been the subject of numerous court decisions around the world. Participants in the Meeting of Experts and Governing Body members recognized the need to combat disguised employment and this Recommendation was considered fully relevant in the context of the platform economy.

Remuneration

76. The Protection of Wages Convention, 1949 (No. 95), applies to "all persons to whom wages are paid or payable" (Article 2(1)). The definition of "wages" refers to remuneration or earnings payable in virtue of a written or unwritten contract of employment by an employer to an employed person (Article 1). The Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), applies to "all employees and to all branches of economic activity" (Article 4(1)). The Minimum Wage Fixing Convention, 1970 (No. 131), covers "all groups of wage earners whose terms of employment are such that coverage would be appropriate" (Article 1(1)).

77. Conventions Nos 95, 173 and 131 apply only to employees. Therefore Convention No. 131 is not applicable to those platform workers who are classified as self-employed. The issue of transparency as it relates to wages is not covered by existing ILO standards, but is of relevance where algorithms have a role in determining remuneration.

Working time

78. The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), applies to "persons employed" notably in commercial or trading establishments (Article 1). It limits normal working hours to 8 hours per day and 48 hours per week; provides for limited temporary or permanent exceptions; and regulates overtime premium pay. For the CEACR, the objective of Convention No. 30 is to extend the hours of work standards prescribed by the Hours of Work (Industry) Convention, 1919 (No. 1), to all those persons not covered by that Convention, with limited exceptions that include domestic service. The aim was to place salaried employees on an equal footing with their co-workers in industry. [127] Convention No. 30 defines "hours of work" as "the time during which the persons employed are at the disposal of the employer".

79. Convention No. 30 applies to employees only, and its scope does not include domestic work. The CEACR did not address specifically the issue of "waiting time" in platform work, but did discuss the related notion of time spent "on call" or "on standby". [128] It concluded that the time spent "on call" may or may not be regarded as "hours of work" within the meaning of the Convention, depending

[127] ILO, *Hours of Work: From Fixed to Flexible?,* International Labour Conference, 93rd Session, Report III (Part 1B), 2005, para. 10.

[128] ILO, *Hours of Work*, para. 51.

on the extent to which the worker is restricted from engaging in personal activities during that time. For the CEACR, when such time is not regarded as "hours of work", the employee should still be entitled to some payment in recognition of the time spent "on call". The issue of waiting periods and their remuneration may therefore be considered as a normative gap. Other gaps include:

- the extent to which limits can be placed on overtime work;
- the extent to which the total working hours of workers who have more than one job can be limited;
- protecting workers' ability to disconnect from a platform without consequences.

Algorithms

80. International labour standards do not specifically address issues concerning the use of algorithms. As discussed in this report, algorithms are used to organize, supervise and evaluate work and rely significantly on the processing of personal data.

The protection of workers' personal data

81. No international labour standards regulate in a comprehensive manner the protection of workers' personal data. Some ILO standards do contain provisions on the protection of workers' personal data, but these provisions are limited in their scope as they apply, for instance, only in situations involving private employment agencies (Private Employment Agencies Convention (No. 181) and Recommendation (No. 188), 1997) or only to domestic workers (Domestic Workers Convention, 2011 (No. 189)). ILO standards may also only concern themselves with certain types of data, particularly health data (Occupational Health Services Recommendation, 1985 (No. 171), and HIV and AIDS Recommendation, 2010 (No. 200)).

82. In 1996, an ILO meeting of experts adopted a code of practice on the protection of workers' personal data, [129] which is non-binding and does not have the status of an international labour standard. The code of practice, complemented by a commentary prepared by the ILO, focuses on the collection, security and storage of personal data, as well as its use and communication to third parties. The code of practice also enumerates workers' individual and collective rights, and regulates the automated processing of data and electronic monitoring. With respect to platform work, digital monitoring and the right of access to personal data are covered to some extent by principles in the code of practice. The code does not, however, specifically address the subject of data portability.

Social security

83. The Social Security (Minimum Standards) Convention, 1952 (No. 102), offers governments a choice of alternatives to define the scope of protection. Depending on the benefit concerned, reference is made to employees, the economically active population, or residents (Articles 9, 15, 21, 27, 33, 41, 48, 55 and 61). As the CEACR has noted, the Convention avoids defining protected persons in terms of strictly legal concepts. [130]

[129] ILO, *Protection of Workers' Personal Data*, 1997.

[130] ILO, *Social Security Protection in Old-Age: General Survey of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference, 76th Session, Report III (Part 4B), 1989, para. 51.

84. The Social Protection Floors Recommendation, 2012 (No. 202), establishes the principle of universality of protection, based on social solidarity, as well as the principle of social inclusion, including of persons in the informal economy (Paragraph 3(a) and (e)).

85. The Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), applies to "all employees, including apprentices, in the public and private sectors, including co-operatives" (Article 4(1)). The accompanying Employment Injury Benefits Recommendation, 1964 (No. 121), provides that Members should secure the provision of employment injury or analogous benefits, if necessary, by stages and/or through voluntary insurance, notably to prescribed categories of self-employed persons (Paragraph 3(1)(b)).

86. Persons protected under the social security provisions of the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), must comprise prescribed classes of employees, including public employees and apprentices (Article 11(1)). Previously self-employed persons are listed among the categories of persons seeking work who have never been, or have ceased to be, recognized as unemployed or have never been, or have ceased to be, covered by schemes for the protection of the unemployed. At least three of the categories of jobseekers listed in the Convention must receive social benefits (Article 26(1)).

87. The Maternity Protection Convention, 2000 (No. 183), applies to "all employed women, including those in atypical forms of dependent work" (Article 2(1)). For the CEACR, the Convention covers women workers with a contract of employment, whether express or implied, irrespective of their sector of employment or occupation. [131] It does not, therefore, apply to self-employed workers.

Migrant workers

88. Part I of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), (on migration in abusive conditions) applies to "all migrant workers"; while Part II of the Convention (on equality of opportunity and treatment) applies to persons who migrate or who have migrated from one country to another with a view to being employed otherwise than on their own account, and the term "migrant worker" in Part II includes any person regularly admitted as a migrant worker. While Part I of Convention No. 143 applies to all migrant workers, including those in an irregular situation, the scope of Part II of Convention No. 143 excludes self-employed workers and other limited categories of workers, and does not extend to undocumented migrant workers. [132]

89. In regard to those workers covered under Part II of Convention No. 143, ratifying States are required to declare and pursue a national policy to promote and ensure equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights, and other individual and collective freedoms (Articles 10 and 11(1)). [133] Ratifying States also have to adopt measures to address migration in abusive conditions, while at the same time ensuring that the basic human rights of all migrant workers are respected, regardless of migration status.

[131] ILO, *Achieving Gender Equality at Work*, ILC.111/III/B, 2023.

[132] ILO, *Promoting Fair Migration: General Survey Concerning the Migrant Workers Instruments*, ILC.105/III/1B, 2016, paras 103 and 120. The workers excluded from the scope of Part II of Convention No. 143 are also excluded from the scope of the Migration for Employment Convention (Revised), 1949 (No. 97).

[133] Art. 11(2) of both Conventions Nos 97 and 143 exclude certain categories of migrant workers from their application, notably (for both Conventions Nos 97 and 143) frontier workers, seafarers, short-term artists and members of liberal professions, and (for Convention No. 143) persons entering for training or education, and persons who have been admitted temporarily to undertake specific assignments and duties.

Resolution of disputes

90. A number of ILO standards contain provisions on the settlement of labour disputes. However, there is no single standard that directly and comprehensively addresses the issue of labour dispute resolution, and there is a relative lack of detail in the guidance found in existing standards. [134] Some participants in the Meeting of Experts on Decent Work in the Platform Economy considered that effective access to remedies and dispute resolution mechanisms represents a normative gap with respect to platform workers.

Termination of employment

91. The Termination of Employment Convention, 1982 (No. 158), applies "to all branches of economic activity and to all employed persons" (Article 2(1)). [135] Therefore, its scope does not extend to self-employed workers. The CEACR has requested information on the safeguards put in place to prevent the use of fixed-term contracts or involuntary self-employment to evade the protections afforded by Convention No. 158. [136] The issue of penalties, which may involve the suspension or termination of a worker's account with a platform, is not comprehensively addressed in existing ILO standards.

Labour inspection

92. The Labour Inspection Convention, 1947 (No. 81), applies to both industry and commerce. In these sectors, the system of labour inspection must apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors. [137] The Protocol of 1995 to the Labour Inspection Convention, 1947, applies to all workplaces that do not already fall within the scope of Convention No. 81. [138] Taken together, the two standards apply to all workplaces. Their application to the platform economy may raise practical difficulties, as work does not always take place in a unique workplace, as in the case of drivers.

Transition from the informal to the formal economy

93. The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), applies to all workers and economic units in the informal economy, including own-account workers (Paragraph 4). Certain participants in the Meeting of Experts on Decent Work in the Platform Economy noted the potential for well-regulated platform work to provide pathways to formalization, and the relevance of Recommendation No. 204 in this respect. Recommendation No. 204 does not appear to present normative gaps in terms of its scope or the issues it covers.

Summary of the relevance of international labour standards to platforms

94. Existing ILO standards provide an important framework for the promotion of decent work in the platform economy. Several ILO standards have direct applicability to platform workers whether they are in wage or non-wage employment. This broad scope of application can be seen in

[134] ILO, *Agenda of Future Sessions of the International Labour Conference*, GB.346/INS/2, 2022, para. 39.

[135] See also Termination of Employment Recommendation, 1982 (No. 166), Para. 2(1).

[136] CEACR, Observation – Convention No. 158 – Finland, adopted in 1999.

[137] Convention No. 81, Arts 2 and 23.

[138] Art. 1(3) of the Protocol of 1995 to the Labour Inspection Convention, 1947.

standards relating to fundamental principles and rights at work, violence and harassment, employment promotion and some key principles concerning the protection of migrant workers.

95. There are also notable gaps regarding the scope of application in several standards, as well as thematic gaps. These gaps arise because existing standards do not address the specific characteristics of platform work, or do not address new developments driven by technological changes. A key issue is the use of algorithms and their transcending influence on terms and conditions affecting platform workers, as discussed throughout this report. There is no ILO standard addressing this topic. Similarly, there is no ILO standard relating to the protection of workers' personal data. With respect to disputes and termination, normative gaps also exist, and are particularly relevant given the cross-border nature of online platform work, which in itself is not the subject of a specific standard. All of these issues are discussed in detail in this report.

96. Finally, it is important to note that correct classification of workers is an important issue in the platform economy and a key measure to combat disguised employment relationships, as highlighted at the Meeting of Experts and the Governing Body sessions of November 2022 and March 2023.

3.2. The scope of regulatory intervention in Member States

97. This section of the report reviews laws and practices relating to digital platform work, and includes an examination of instruments of a legislative character [139] adopted by Member States. [140]

98. This review covers 41 legislative instruments from around the world that deal explicitly with aspects of decent work on digital platforms, and that have been identified by the ILO as at the time of the drafting of this report. The information presented may not cover all of the relevant legislation adopted, and therefore should be regarded as indicative rather than exhaustive. This report refers to a number of other laws, including regional instruments, relating to taxation, competition law, data privacy as well as freedom of association and collective bargaining that are directly relevant to the topic. The regulation of platform work is also dynamic and developing rapidly with legislative proposals under consideration in several jurisdictions, including Australia, Brazil, Colombia, Costa Rica, the European Union, Peru, the Philippines and Uruguay. The report also provides insights on these proposals.

99. How countries regulate platform work varies, but broadly encompasses:

(a) amendments to existing labour legislation to include platform work (for example, in Belgium, Chile, Croatia, France, Italy and Portugal);

(b) specific standalone legislation on platform work (for example, in China and the Canadian Province of Ontario);

(c) sector-based legislation (for example City of Seattle and Washington State, United States); and

(d) specialized laws that extend labour and/or social protections to platform work (for example, the social security laws of India and the Republic of Korea).

[139] For the purposes of this report, instruments of a legislative character refer to laws, regulations, orders, rules and guidance adopted by States or national governments.

[140] This review also refers to subnational, state-level legislation in India and the United States.

100. Beyond these approaches, platforms and platform workers also fall – depending on their classification – within the ambit of laws relating to wage employment, self-employment or dependent self-employment.

101. With respect to the scope of these legislative instruments, the focus of the identified instruments is on platforms connecting businesses and clients to workers, either by acting as an intermediating entity or by directly engaging workers to provide particular services. Within these, the regulation of passenger transport and/or delivery platforms is the most common form of intervention with several legal instruments being of this nature. However, in other cases instruments examined are broader in their application, and regulate, to varying degrees both location-based and online platforms and in doing so would encompass other forms of location-based work including domestic work as well as online work.

102. Some laws and regulations exclude from their scope specific economic activities conducted through platforms. For instance, in Chile, the law specifically excludes companies that "merely publish advertisements for the provision of services by natural or legal persons, or advertisements for the sale or lease of movable or immovable property".[141] In Croatia, a regulation stipulates that it does not apply to those "whose primary purpose is to share resources or resell goods or services",[142] and in Belgium the law explicitly excludes from its definition those "whose main purpose is to exploit or share assets or to resell goods or services, or those who provide a service on a not-for-profit basis".[143]

103. The aspects of platform work that are regulated vary considerably. Some legislation focuses on specific areas such as:

- extending social protection coverage to platform workers (India, Republic of Korea);
- establishing rules relating to deactivation, minimum pay and remuneration (in three by-laws in the City of Seattle, United States); or
- the establishment of a tripartite committee to develop proposals to regulate platform work (Brazil).

104. In other cases, laws focus on multiple aspects of platform work such as contracts, transparency, algorithms, remuneration, deactivation and other issues (as in the Canadian Province of Ontario, Chile, Croatia and Portugal). A relatively frequent topic included in legislation is the employment relationship, with 12 laws containing statutory presumptions.

105. This report also reviews existing collective agreements that address specific aspects of working conditions and terms of employment relevant to work on platforms, and which are successively reviewed in the following chapters. Here again the report does not pretend to provide an exhaustive review of existing collective agreements.

106. Finally, this report offers insights on the broader aspects of regulatory frameworks that are relevant to decent work in the platform economy, including its interface with tax law, licensing and reporting regimes, and competition law. These initiatives seek to show a fuller picture of the platform economy's regulatory landscape, and while not included in the table below, are nevertheless relevant.

107. Table 5 provides a summary of the scope of the legislation considered in this review.

[141] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 *quater* Q.

[142] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221c(7).

[143] Belgium, Law of 3 October 2022 Establishing Various Provisions Relating to Work, art. 337/3, para. 1(1)(b).

Table 5. Legal instruments on platform work

Jurisdiction	Legislation	Platforms covered		Employment relationship classification	Labour and/or social security	Social dialogue or representation	Other areas [1]
		Location-based	Online				
Belgium	Law of 3 October 2022 Establishing Various Provisions Relating to Work	X	X	X	X		
Brazil	Brazil Law No. 14.297/2022 of 5 January 2022 [2]	X			X		
Brazil	Decree No. 11.513 of 1 May 2023	X				X	
Canada (Ontario)	Digital Platform Workers' Rights Act of 11 April 2022 (not yet in force)	X [3]			X		X
Chile	Labour Code as amended by Law No. 21.431 of 8 March 2022	X	X	X	X	X	X
Chile	Law No. 21.553 of 10 April 2023 on Passenger Transport Applications and Services Provided through Them	X					X
China	Ministry of Human Resources and Social Security (MOHRSS) Guidelines for the Conclusion of Labour Contracts and Written Agreements for Workers in New Employment Forms (for Trial Implementation), 21 February 2023	X	X		X		
China	MOHRSS et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.	X	X	X	X		X
Croatia	Labour Act as amended by Law NN 151/22 of 20 December 2022 [4]	X	X	X	X		X
Egypt	Resolution No. 2180 of 2019; and the Ride-Sharing Law No. 87 of 2018	X			X		X
France	Law No. 2016-1088 of 8 August 2016 regarding Labour, Modernizing Labour Relations, and Securing Career Tracks	X	X		X		X

Jurisdiction	Legislation	Platforms covered		Employment relationship classification	Labour and/or social security	Social dialogue or representation	Other areas [1]
		Location-based	Online				
France	Law No. 2019-1428 of 24 December 2019 – Orientation Law on Mobility, amending the Labor Code	X			X		X
France	Law No. 2022-139 of 7 February 2022 on the Terms and Conditions for the Representation of Self-Employed Workers	X	X		X		
France	Ordinance No. 2021-484 of 21 April 2021 on the Authority for Social Relations of Labour Platforms	X	X		X	X	X
France	Law No. 2020-1266 of 19 October 2020 Regulating the Commercial Exploitation of Children under 16 on Internet Platforms		X		X		
Greece	Law No. 4808/2021 of 19 June 2021	X	X	X	X	X	
India	Social Security Code 2020	X	X		X		
India	Motor Vehicle Aggregators Guidelines-2020	X			X		
India (Rajasthan)	Platform Based Gig Workers (Registration and Welfare) Act 2023	X	X		X		
Indonesia	Regulation of the Minister of Transportation No. PM 118 of 2018 (Permenhub 118/2018)	X					X
Indonesia	Regulation of the Minister of Transportation No. PM 12 of 2019 (Permenhub 12/2019)	X					X
Italy	Legislative Decree No. 81 of 15 June 2015 (as amended)	X		X	X		
Italy	Law No. 128 of 2 November 2019 implementing Decree Law No. 101 of 3 September 2019	X			X	X	X
Kazakhstan	Social Code of the Republic of Kazakhstan dated 20 April 2023, No 224-VII	X	X	X [5]			

Jurisdiction	Legislation	Platforms covered		Employment relationship classification	Labour and/or social security	Social dialogue or representation	Other areas [1]
		Location-based	Online				
Kenya	National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022	X			X		X
Malta	Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022	X	X	X	X		X
Portugal	Labour Code, as amended by Law No. 13/2023 of 3 April 2023	X	X	X	X		X
Portugal	Law No. 45/2018 of 10 August 2018	X			X		X
Republic of Korea	Industrial Accident Compensation Insurance Act, 2019	X			X		
Republic of Korea	Employment Insurance Act No. 17859 of 5 January 2021	X			X		
Republic of Korea	Health and Safety Law, 2017	X			X		
Spain	Law No. 12/2021 (“Riders Law”)	X		X	X		X
United Republic of Tanzania	Order No. LATRA/01/2022 under the Land Transport Authority (Tariff) Regulations of 14 March 2020	X			X		X
United States (California)	Labor Code as amended by Law AB5 of 18 September 2019 [6]	X		X	X		
United States (Indiana)	House Enrolled Act No. 1125 amending the Indiana Code 2023 [7]	X		X	X		X
United States (City of New York)	Administrative Code of the City of New York as amended by Laws Nos 2021/116; 2021/117; 2021/114; 2021/110 and 2021/118 of 2021	X			X		X

Jurisdiction	Legislation	Platforms covered		Employment relationship classification	Labour and/or social security	Social dialogue or representation	Other areas [1]
		Location-based	Online				
United States (City of Seattle)	SMC 8.37, App-Based Worker Minimum Payment Ordinance, 2022; [8] SMC 8.40, App-Based Worker Deactivation Rights Ordinance, 2023; [9] and SMC 8.39, App-Based Workers Paid Sick and Safe Time Ordinance, 2023 [10]	X			X		X
United States (Washington State)	Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022	X		X	X		X

[1] This category covers additional provisions including the use of algorithms, workers' data protection, registration and licensing of platforms and workers. [2] Brazil, This law was established to respond to the COVID-19 pandemic. [3] "Canada (Ontario), Other prescribed services" may be provided for in regulations. [4] Croatia, Provisions on digital labour platforms entered into force on 1 January 2024. [5] Kazakhstan, This law sets out when platform workers will be covered by labour laws and when they will be covered by other civil law. [6] United States (California), Proposition 22 of 3 November 2020 repealed Law AB-5 with the effect of reclassifying app-based drivers as independent contractors, not employees, but this was declared unconstitutional by the California Supreme Court. Law AB-5 remains subject to a legal challenge. [7] United States (Indiana), This law comes into effect on 30 June 2024. [8] United States (City of Seattle), This law comes into effect on 13 January 2024. [9] United States (City of Seattle), This law comes into effect on 1 January 2025. [10] United States (City of Seattle), This law applies to all app-based workers who work at a network company that hires more than 250 workers.

Chapter 4

Definitions of platform worker and platforms

108. As seen above, approaches to regulating work in the platform economy are diverse and result in distinct outcomes in terms of the scope and definitions of laws and regulations among Member States. Nevertheless, some common themes emerge across legal systems and are outlined below following the comparative legal overview presented in this section.

109. Table 6 below presents definitions of the concept of a "platform worker" found in selected legislative instruments.

Table 6. Definition of "platform worker" in selected national legislative instruments

Country	Terminology	Legislative instrument	Definition
Belgium	Platform worker	Law of 3 October 2022 Establishing Various Provisions Relating to Work [1]	**Article 337/3, paragraph 1(2)** Any individual carrying out work via an ordering digital platform, notwithstanding the nature of the contractual relations or the qualification by the concerned parties.
Chile	Platform worker	Labour Code as amended by Law No. 21.431 of 8 March 2022 [2]	**Article 152 *quater* Q(b)** A person who performs personal services, either on his own account or on behalf of others, requested by users of an application administered or managed by a digital service platform company.
China	Workers employed in new forms	Guidelines for the Conclusion of Labour Contracts and Written Agreements for Workers in New Employment Forms (for Trial Implementation 21 February 2023	**Article 3** "Workers employed in new forms" means the workers who accept delivery, travel, transportation, and domestic services and other work assignments online issued by Internet platforms at the request of users, provide online services on the platforms as required by the platforms, and obtain remuneration for their work.
India	Platform worker	Code on Social Security, 2020 [3]	**Section 2(60)** "'platform work' means a work arrangement outside of a traditional employer–employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment". **Section 2(61)** "'platform worker' means a person engaged in or undertaking platform work".

Country	Terminology	Legislative instrument	Definition
Malta	Platform worker	Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022 [4]	**Section 2(1)** (a) Any person performing digital platform work and who has entered into a contract of employment or an employment relationship or any other form of arrangement irrespective of the contractual designation with any digital platform or multiple digital labour platforms and who is engaged, whether on a regular or on an irregular basis, to provide services consisting of the delivery of any product; and (b) any person performing digital platform work and who has entered into a contract of employment or an employment relationship or any other form of arrangement irrespective of the contractual designation with a work agency and who is assigned to, or placed at the disposal of, whether on a regular or on an irregular basis, any digital labour platform or multiple digital labour platforms to provide services consisting in the delivery of any product.
Kenya	Transport network driver	The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022 [5]	**Section 2** A person authorized by a transport network company to offer transport network services to transport network passengers through a transport network platform.
Republic of Korea	Labour provider and platform worker	Industrial Accident Compensation Insurance Act [6]	**Article 91(15)(1) and (2)** "Labour provider" refers to a person who provides labour for the business of someone other than himself or herself (and receives payment for it) in accordance with any of the following methods, and who is engaged in an occupation prescribed by Presidential Decree in consideration of the need for protection from work-related accidents and the form of labour provision. A. When the labour provider receives a request from the employer to provide labour directly B. When a labour provider is requested by an employer to provide work through an electronic information processing system (hereinafter referred to as "online platform") to mediate workers' labour supply. "Platform worker": A labour provider who provides labour through an online platform.

[1] Belgium, Law of 3 October 2022 Establishing Various Provisions Relating to Work. [2] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022. [3] India, Code on Social Security, 2020. [4] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022. [5] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022. [6] Republic of Korea, Industrial Accident Compensation Insurance Act 2019.

110. While these definitions appear varied depending on the scope of the legislation, some elements are consistent, with most defining a "platform worker" as a person who provides services on an online platform and who is recognized as such irrespective of the nature of the employment relationship (Belgium) or the contractual relationship (Malta) or whether they work on their own account or on the behalf of others (Chile).

111. Table 7 below describes how platforms are defined in selected legislative instruments and identifies, the extent to which common elements appear in these definitions.

Table 7. Definition of platforms/digital labour platforms in selected legislative instruments

Country	Terminology	Legislative instrument	Definition
Belgium	Ordering digital platform/digital platform that issues "orders"	Law of 3 October 2022 Establishing Various Provisions Relating to Work [1]	**Article 337/3, paragraph 1(1)** Digital platform that issues orders: A supplier, who, by means of an algorithm or any other equivalent method or technology, is able to exercise decision-making or control over the manner in which the services are to be provided and over the terms and conditions of employment or remuneration and who provides a paid service that is: (a) provided, at least partly, at a distance by electronic means, such as a website or mobile application; and (b) is provided at the request of a recipient of the service.
Chile	Digital service platform company	Labour Code as amended by Law No. 21.431 of 8 March 2022. [2]	**Article 152 *quater* Q(a)** Digital service platform company: An organization that, for a fee, administers or manages a computer or technology system executable in mobile or fixed device applications that allows a digital platform worker to perform services for the users of such computer or technology system in a specific geographic territory, such as the collection, distribution and/or delivery of goods or merchandise, minor passenger transport, or others. Digital service platform companies for the purposes of this Chapter shall not be considered as digital service platform companies if they merely publish advertisements for the provision of services by natural or legal persons, or advertisements for the sale or lease of movable or immovable property, even if the contracting of such services may be done through the platform".
Croatia	Digital labour platform	Labour Act as amended by Law NN 151/22 of 20 December 2022. [3]	**Article 221c** Digital work platform: 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

Country	Terminology	Legislative instrument	Definition
			organization of work in which natural persons perform work remotely using electronic means (website, mobile application, etc.) or directly at a specific location.
France	Electronic connection platform/digital platform	General Tax Law [4]	**Article 242 *bis*** The company, regardless of its place of establishment, which, as a platform operator, connects people electronically with a view to selling goods, providing services or exchanging or sharing goods or services shall provide, during each transaction, information on the tax and social obligations incumbent on people who carry out commercial transactions through it. It provides them with an electronic link to the administration sites allowing them to comply, where applicable, with these obligations.
Greece	Digital platform	Law No. 4808/2021 of 19 June 2021 [5]	**Article 68** Digital platform: Businesses that operate either directly or as intermediaries, by connecting, through an online platform, service providers or businesses or third parties with users or customers or consumers, to facilitate transactions between them or to directly trade with them.
India	Aggregator	Code on Social Security, 2020 [6]	**Section 2(2)** "Aggregator" means a digital intermediary or a marketplace for a buyer or user of a service to connect with the seller or the service provider.
Italy	Digital platforms	Legislative Decree No. 81 of 15 June 2015, as amended by Law No. 128 of 2 November 2019, Containing Urgent Provisions for Protection of Work and for the Resolution of Corporate Crises [7]	**Article 47-*bis*(2)** For the purposes of this decree, "digital platforms" are considered to be the computer programmes and procedures of companies that, regardless of their place of establishment, organize the activities of delivery of goods, while fixing their price and determining the modalities of performance of the service.
Kazakhstan	Internet platform	Social Code of the Republic of Kazakhstan dated 20 April 2023, No. 224-VII. [8]	**Article 1(81)** Internet platform – an internet resource intended for interaction between the operator of the internet platform, the customer and the contractor for rendering services and performance of work. **Article 1(126)** More specifically, a "platform employment mobile application" is defined as "a software product installed and launched on a cellular subscriber device and providing access to services and works provided through an internet platform".

Country	Terminology	Legislative instrument	Definition
Malta	Digital labour platform	Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022 [9]	**Section 2(1)** "Digital labour platform" means any natural or legal person providing a commercial service enabling the delivery of any product and which meets all of the following requirements: (a) it is provided, at least partially, at a distance through electronic means, such as a website or a mobile application; (b) it is provided at the request of a recipient of the service; and (c) it involves, as a necessary and essential component, the organization of work performed by persons, including but not limited to food couriers, through the use of vehicle transportation.
Portugal	Digital platform	Labour Code as amended by Law No. 13/2023 of 3 April 2023 [10]	**Article 12-A(2)** A "digital platform" is defined as a legal entity that provides or makes available services, through electronic means, including a website or a computer application, at the request of users and that involves as a necessary and essential component the organization of work provided by individuals in exchange for remuneration, regardless of whether the work is provided online or at a specific location.
Republic of Korea	Labour platform operator	Employment Insurance Act 2021 [11]	**Article 77-7** A labour platform operator establishes and operates a system that records and processes data and information related to workers and owners of labour-providing businesses by collecting and managing such data and information.
	Platform operator	Industrial Accident Compensation Insurance Act 2019 [12]	**Article 91(15)(3)** A "platform operator" is a person whose business is to broker or arrange the provision of labour by platform workers using an online platform.
Washington State (United States)	Transportation network company	Revised Code of Washington (RCW) as amended by House Bill 2076 concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022 [13]	**Section 46.04.652** "Transportation network company" means a corporation, partnership, sole proprietorship, or other entity that operates in this state, and uses a digital network to connect passengers with transportation network company drivers to provide prearranged rides.

[1] Belgium, Law of 3 October 2022 Establishing Various Provisions Relating to Work. [2] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022. [3] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022. [4] France, General Tax Law. [5] Greece, Law No. 4808/2021 of 19 June 2021. [6] India, Code on Social Security, 2020. [7] Italy, Law No. 128 of 2 November 2019. [8] Kazakhstan, Social Code of the Republic of Kazakhstan dated 20 April 2023, No. 224-VII. [9] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022. [10] Portugal, Labour Code as amended by Law No. 13/2023 of 3 April 2023. [11] Republic of Korea, Employment Insurance Act 2021. [12] Republic of Korea, Industrial Accident Compensation Insurance Act 2019. [13] Washington State (United States), House Bill 2076 concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

112. The terminology most commonly used in Europe to refer to the concept is "digital platform" (France, Greece, Italy and Portugal) or "digital labour platform" (Croatia and Malta). Most countries in regions outside Europe refer to variations of these terms, such as "digital service platform company" (Chile), "labour platform operator" (Republic of Korea), "internet platform" (Kazakhstan), "aggregator" (India) or "transportation network company" (US State of Washington).

113. Despite the range of terms used, there are commonalities in the ways in which the concept of a "platform" is defined. Some refer to the function of the platform as an entity that connects, whether it be connecting clients (passengers) with service providers (US State of Washington); buyers or users with sellers (India); service providers, businesses or third parties with users, customers or consumers (Greece); or more generally connects people (France). Several definitions refer to the function of the platform as a provider of services (Croatia, Kazakhstan, and Portugal), and Belgium, Italy, Malta and Portugal include some reference to the control exercised by the platform over the organization of work or the way services are to be provided.

114. Finally, it is also relevant to note that intermediaries are also specifically referred to in some countries' legislation. In Malta, platform work regulations extend to any person performing digital platform work with a work agency who is placed at the disposal of any digital labour platform or multiple digital labour platforms. [144] In 2022, Croatia also revised its Labour Act to include subcontractors (termed "aggregators") as an employer of platform workers. [145] In Portugal, the amended Labour Law of 2023 clarifies that platform workers can be hired by intermediaries. [146] The latest version of the Proposal for an EU Directive on Improving Working Conditions in Platform Work provides that "Member States shall ensure that the use of intermediaries does not lead to a reduction in the protection afforded by this Directive to persons performing platform work." [147]

115. In conclusion, definitions relating to platform work found in legislation focus on the execution of work through or on a platform, frequently with the demand and supply of services referred to as an element of the relationship between the parties, and reflect the diversity of business models and contexts. The intermediating role of technology by means of an application or online programme serves to differentiate platform work from work undertaken by individuals for digital platform companies.

[144] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

[145] Croatia's Labour Law 2023 defines an "aggregator" as a representative or mediator for one or more digital work platforms. Both platform companies and aggregators are required to register with the responsible ministry to perform their activities, and the aggregator may not charge a mediation fee to the worker. This part of the law entered into effect on 1 January 2024.

[146] Portugal, Labour Law of 3 April 2023 (Lei n.º 13/2023). This law provides that: (a) there should be no discrimination between workers directly hired and those hired by an intermediary; and (b) the digital platform and the intermediary operator are jointly liable for the worker's credits arising from the employment contract, or from its breach or termination, as well as for the corresponding social costs and for the payment of the fine.

[147] Council of the European Union, Article 2a. The text of the Proposal is available at: https://data.consilium.europa.eu/doc/document/ST-10107-2023-INIT/en/pdf#page=40.

Chapter 5

Which workers in digital platforms are protected?

5.1. Context

116. In most countries, the enjoyment of labour rights by workers is intrinsically related to their employment status. [148] Most platforms characterize their businesses as technological intermediaries and consider platform workers as being self-employed. [149] Nevertheless, in cases where the nature of the relationship between the worker and the platform is contested by the worker or by public authorities, this relationship can be re-characterized by the judiciary.

117. The incorrect classification of platform workers also raises challenges for ensuring fair competition between platforms and traditional businesses. [150] This may lead to legal action against the platform concerned. [151] Moreover, ensuring that national legislation clearly establishes criteria allowing for the correct classification of workers is an important element in providing legal certainty and security in labour markets and in the overall economy, while also contributing to ensuring adequate collection of social security contributions and taxes.

5.2. Country and regional initiatives

118. In order to obtain an overview of how the issue of classification has been addressed, this analysis first presents a summary of the relevant case law and then an overview of relevant legislation.

119. While legal action has historically been the first resort for platform workers to challenge platforms' classification of their employment status and the terms and conditions of their service contracts, with the passing of time, several legal systems around the world [152] have introduced provisions aimed at addressing the long-standing issue of the classification of employment relationships in connection with platforms.

5.2.1. Case law

120. There is a significant amount of case law on the classification of workers on platforms [153] but no consensus on whether to classify such workers as employees or self-employed workers. [154] This lack of unanimity has been explained by the diversity of factual circumstances and regulatory frameworks. Case law relating to classification questions is largely based on the principle of primacy of facts, rather than a strict interpretation of contractual terms. Sometimes, within a single jurisdiction, for workers in the same or substantially similar situations, courts have made

[148] ILO, Resolution concerning the second recurrent discussion on labour protection, ILC.111/Resolution IV, 2023.

[149] The terminology used varies and includes terms such as independent contractor, service provider, and so on.

[150] OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*, 2023, 27.

[151] See, for example, the decision of France's Court of Cassation, Case No. W 20-11.139, 12 January 2022.

[152] In the legal systems analysed, provisions related to the classification of the employment status have been identified in the following States: Belgium, Chile, China, Croatia, Greece, Malta, Portugal, Spain and the United States (State of California, State of Indiana, State of Washington).

[153] On this topic, see Valerio De Stefano et al., *Platform Work and the Employment Relationship*, ILO Working Paper No. 27, 2021.

[154] ILO, *Decent Work in the Platform Economy*.

contrasting decisions, [155] which may be due to the existence of multifactored tests that lead courts to deal with numerous criteria that are subject to interpretation. It may also be due to the courts focusing on the factual circumstances of the specific matter before them. In some jurisdictions where the existence of an "intermediate category in between employment and self-employment" [156] is recognized in law, the question of whether platform workers fall within this category has also been subject to litigation.

121. Legal challenges to platform workers' self-employment status brought through legal action are particularly common in Europe and Central Asia and in North America, but much less so in Africa, Asia and the Pacific, and Latin America. [157] A more detailed analysis of the case law will be included in a forthcoming ILO publication on this subject.

122. With regard to the legal interpretation of the nature of the employment relationship, the degree of control or supervision by the employer of the work performed is one of the main elements characterizing the existence of an employment relationship. This criterion has been used by some courts to conclude that platform workers are not independent contractors, as control may be exercised through technology, including algorithms and geolocation tools. [158] Nonetheless, there are instances in which other types of indicators have been taken into account to determine the nature of the employment status, leading to a different outcome in judicial decisions: for example, workers' freedom to set their own work schedules, which has been used by some courts [159] as an argument to conclude that digital platform workers were self-employed. However, other jurisdictions considered that such freedom did not preclude the existence of an employment relationship if the worker joins a service organized by the platform once logged on. [160]

123. Other indicators that have been considered and have supported a conclusion that there was no employment relationship between the platform and a worker include:

- the possibility that a worker can be substituted and, therefore, the fact that work need not be carried out personally; [161]
- the possibility of a worker to work for several platforms at the same time, including competing platforms, so their activity resembles the provision of services for several clients that is typical of self-employment; [162] and

[155] De Stefano et al.

[156] De Stefano et al., footnote 130.

[157] See Ioulia Bessa et al., *A Global Analysis of Worker Protest in Digital Labour Platforms*, ILO Working Paper No. 70, 2022, 29.

[158] See, for example, Spain, High Court of Justice (Tribunal Superior de Justicia) núm. 1 de Oviedo, Case No. ECLI: ES:TSJAS:2019:1607, 25 July 2019.

[159] See, for example, the decision of Brazil's Higher Labour Tribunal (Tribunal Superior do Trabalho) regarding drivers on a ride-hailing platform: Higher Labour Tribunal, *Marcio Vieira Jacob v. Uber do Brasil Tecnologia Ltda*, Case No. TST-RR-1000123-89.2017.5.02.0038, 5 February 2020.

[160] France, Court of Cassation, Case No. 374, 4 March 2020.

[161] The use of substitution clauses is contested in some countries. See: United Kingdom: *Independent Workers Union of Great Britain v Central Arbitration Committee* [2023] UKSC 43; Brazil: 37th Labour Court of Belo Horizonte, N° 0011863-62.2016.5.03.0137, 30 January 2017; and European Union: Order of the Court of Justice of the European Union of 22 April 2020 in Case C-692/19, *B v. Yodel Delivery Network Ltd*.

[162] See: Chile: Judgment of the 1st Labour Court of Santiago of 17 May 2021; France: Paris Court of Appeal, RG 19/12511, SRT case, 15 February 2022; Netherlands: District Court of Amsterdam, No. 6622665 CV EXPL 18-2673, 23 July 2018; Germany: Labour Court of Munich, final judgment of 20 February 2019 – 19 Ca 6915/18.

- the existence of a worker's duty to provide and maintain the equipment required for the provision of services. [163]

5.2.2. Legislation

124. Some countries address the issue of the classification of workers broadly in legal frameworks that are not limited to work in the platform economy. In other cases, regulations applying directly to platform work include specific provisions on classification.

125. In Portugal, [164] a rebuttable presumption of the existence of an employment relationship applies when some indicators are present including when the platform:

- sets remuneration;
- exercises direction and determines specific rules;
- supervises activities;
- restricts the provider's autonomy;
- exercises labour powers over the worker; and
- owns the work equipment or tools or operates them through a rental contract [165].

126. In Spain [166] a presumption of an employment relationship with delivery platforms applies where "the activity of persons providing paid services … by employers who exercise entrepreneurial powers of organization, direction and control directly, indirectly or implicitly, by means of algorithmic management of the service or working conditions, through a digital platform".

127. In Belgium, [167] a presumption of an employment relationship applies if at least three of the following eight criteria (or two of the last five) are met:

(i) the platform requires exclusivity in its field;

(ii) the platform uses geolocation for reasons beyond its basic services;

(iii) the platform restricts a worker's freedom to perform tasks;

(iv) the platform limits income through hourly rates and prevents a worker from refusing tasks [168];

(v) the platform imposes binding rules;

(vi) the platform determines the allocation of work and controls rankings through electronic means;

(vii) the platform restricts freedom to organize work; and

[163] See: Netherlands, District Court of Amsterdam, Case No. ECLI:NL:RBAMS:2019:198, 15 January 2019; Belgium, Brussels Tribunal de l'entreprise francophone, Case No. A/18/02920, 16 January 2019; Australia, Fair Work Commission, *Mr Michail Kaseris v. Rasier Pacific V.O.F.* (U2017/9452), Case No. FWC 6610 [2017], 21 December 2017, para. 56; United States, US District Court for the Eastern District of Pennsylvania, *Ali Razak et al. v. Uber Technologies, Inc., and Gegan , LLC*, Case No. CV 16-573, 11 April 2018; and Germany, Labour Court of Munich, final judgment of 20 February 2019 – 19 Ca 6915/18.

[164] Portugal, Labour Code as amended by Law No. 13/2023 of 3 April 2023.

[165] Portugal, Labour Code as amended by Law No. 13/2023 of 3 April 2023, art. 12.

[166] Spain, Law No. 12/2021 of 28 September 2021 introducing a new art. 23 in the Workers' Statute as approved by Royal Decree 2/2015 of 23 October.

[167] Belgium, Law of 25 August 2012 amending Title XIII of the Programme Act (I) of 27 December 2006 as Regards the Nature of Employment Relationships.

[168] Collective agreements are excluded from this clause.

(viii) the platform restricts building a clientele or work for third parties outside the platform. [169]

128. In Croatia, the facts that would be considered in applying a presumption of an employment relationship, are if the platform:

- requires the personal performance of payable work;
- gives instructions in the context of a subordinate relationship;
- restricts the freedom to refuse work;
- controls a worker's time, place and manner of performing work;
- supervises performance; and
- prohibits other own-account work. [170]

129. In some cases, legislation establishes a presumption that a worker is an independent contractor. In the US State of Washington, [171] legislation applying to passenger transport provides that platform workers are not employees if the platform: [172]

- does not impose rules relating to the time a driver works;
- cannot terminate a driver for not accepting a job; and
- does not prohibit a driver from working for other transport platforms or in another occupation.

130. Nevertheless drivers must be guaranteed certain rights. [173] In Greece, a platform contract is presumed not to be an employment contract if the worker (defined as a "service provider") is entitled to:

- subcontract work or use substitute workers;
- choose their work;
- work for any independent party, including competitors of the platform; and
- determine the time in which they work. [174]

131. The legislation does, however, extend health and safety and trade union rights to workers who are considered service providers.

132. Chile's Labour Code defines an "employment contract for dependent platform workers" and a "contract for independent digital platform workers". [175] Dependent platform workers are defined as those whom "provide services for a digital platform company under a subordinate and dependent relationship". [176] If these circumstances are present, the contract will be considered an

[169] Belgium, Programme Act (I) of 27 December 2006 as modified by the Law of 3 October 2022 Establishing Various Provisions Relating to Work (Loi du 3 Octobre 2022), Title XIII, Chapter V/2, art. 337/3. Collective bargaining agreements are excluded from this provision.

[170] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221m(2). This presumption is limited by art. 221n, which provides that it shall not apply if a person has not achieved a minimum level of income over a three-month period through work on a platform.

[171] United States, Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[172] Described as a "transportation network company".

[173] For example, the payment of a minimum amount per trip, health insurance or a specific procedure to challenge the deactivation of the platform that may result in the imposition of compensation to the platform.

[174] Greece, Law No. 4808/2021 of 19 June 2021, art. 69.

[175] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 *quater* W.

[176] Chile, Labour Code, art. 7.

employment contract; if they are not present, the contract will be for the provision of services of an independent digital platform worker.

133. China has introduced "Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment", [177] which refer to the concept of "a less-than-complete employment relationship" when a worker does not meet the criteria for an employment relationship. The criteria for an employment relationship are: a signed employment contract; or meeting the five indicators detailed below: [178]

(i) the legal requirements for operating (such as business registration) are met;

(ii) work-related rules apply to the worker;

(iii) the worker is subject to the management of the employer;

(iv) the worker is remunerated by the employing unit; and

(v) the labour provided by the worker is an integral part of the employer's business.

134. Where these criteria are not met, the Guiding Opinions provide for the extension of some rights to workers under this third intermediate category that is between employment and self-employment, and allocates some responsibilities to platforms as discussed throughout this report.

135. The EU Proposal for a Directive on Improving Working Conditions in Platform Work also includes a rebuttable presumption of the existence of an employment relationship where the platform exerts control and direction over the performance of work and where at least three of the following criteria are met:

(a) the platform determines remuneration;

(b) the platform requires a worker to follow rules;

(c) the platform supervises performance;

(d) the platform restricts the worker's freedom to organize work by limiting their discretion to choose hours or absences;

(da) the platform restricts the worker's freedom to organize work by limiting their discretion to accept or refuse tasks;

(db) the platform restricts the worker's freedom to organize work by limiting their discretion to use substitutes or contractors;

(e) the platform restricts the possibility to build a client base or to perform work for any third party. [179]

136. In most countries, the enjoyment of labour protection by workers is intrinsically related to their employment status. Therefore, the correct classification of digital platform workers as employees or as self-employed is of significant importance, with countries adopting different approaches to classification within a context of significant amounts of case law on this topic across the world. Nevertheless, as presented above, some common criteria

[177] China, Ministry of Human Resources and Social Security (MOHRSS) et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

[178] China, MOHRSS, Notice on Matters Concerning the Establishment of Labour Relations 2005, No. 12.

[179] Council of the European Union, Proposal for a Directive of the European Parliament and of the Council on Improving Working Conditions in Platform Work – General Approach, 7 June 2023, art. 4(1).

emerge from case law. As noted, some protections that will be detailed later are also provided to self-employed workers in several existing legislations.

Chapter 6

Fundamental principles and rights at work

137. The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, includes an expression of the commitment by all Member States – by virtue of their membership in the ILO – to respect, promote and realize the principles and rights enshrined in the ten fundamental ILO Conventions, [180] even if they have not ratified the Conventions in question. With regard to the platform economy, the CEACR is of the view "that the full range of fundamental principles and rights at work are applicable to platform workers in the same way as to all other workers, irrespective of their employment status". [181]

6.1. Freedom of association and the effective recognition of the right to bargain collectively

6.1.1. Context

138. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), are essential elements for the attainment of inclusive and sustainable growth, as affirmed in the ILO Centenary Declaration for the Future of Work of 2019. The scope of application of these standards has been examined in the light of their express provisions and the views of the ILO supervisory bodies, as referred to in Chapter 3.

139. The right to collective bargaining for organizations of self-employed workers and its interface with competition law have been the subject of debate. Self-employed workers can be considered as "undertakings" that are subject to the rules of supply and demand of products and services in the market. [182] When they collectively negotiate fees and other working conditions, this is – in some instances – considered an anti-competitive practice to the detriment of consumers that breaks competition laws. Nevertheless, it has been argued that some self-employed workers do not have sufficient bargaining power to be able to influence their working conditions, either because they are in a situation comparable to that of dependent workers, or because the companies for which they provide services exercise monopsony power.

6.1.2. Country and regional initiatives

140. Some jurisdictions have laws enabling collective bargaining for certain categories of self-employed workers. In Poland, as a result of a 2018 amendment to trade union law, all the rules related to working conditions and remuneration of "persons working for money" that are subject

[180] The ten fundamental Conventions are the: (i) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); (ii) Right to Organise and Collective Bargaining Convention, 1949 (No. 98); (iii) Forced Labour Convention, 1930 (No. 29); (iv) Abolition of Forced Labour Convention, 1957 (No. 105); (v) Minimum Age Convention, 1973 (No. 138); (vi) Worst Forms of Child Labour Convention, 1999 (No. 182); (vii) Equal Remuneration Convention, 1951 (No. 100); (viii) Discrimination (Employment and Occupation) Convention, 1958 (No. 111); (ix) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); and (x) Occupational Safety and Health Convention, 1981 (No. 155).

[181] ILO, *Promoting Employment and Decent Work in a Changing Landscape*, para. 327.

[182] European Commission, *Communication from the Commission: Guidelines on the Application of Union Competition Law to Collective Agreements Regarding the Working Conditions of Solo Self-Employed Persons*, 2022/C374/02 (2022).

to negotiations leading to signing a collective agreement are now the same as the rules previously applied only to employees. [183] Some countries, such as Canada and the United Kingdom, permit collective bargaining for certain categories of workers classified as dependent contractors. [184] In the Netherlands, self-employed workers working side by side with employees in a company or sector may be covered by collective agreements without violating cartel prohibitions under the Dutch Competition Act. [185] In 2022 the European Commission adopted Guidelines on collective bargaining that permit collective bargaining for certain self-employed workers. [186] These Guidelines apply in particular to "solo self-employed persons working through digital labour platforms".

141. In Chile, amendments to the Labour Code in 2022 include common rights for platform workers, including those who are self-employed, "to form, without prior authorization, trade unions organizations they deem appropriate" and to bargain collectively [187] In France, [188] the law regulates the modalities of representation of platform workers classified as self-employed and the possibility of negotiating "sectoral agreements". In Italy the law provides that collective agreements by the most representative workers' and employers' organizations at the national level may define remuneration [189] In Greece the right to form organizations for the purpose of promoting professional interests, the right to strike and the right to bargain collectively are available to platform workers. [190] In China, the Trade Union Law (article 3) was amended in 2021 to provide that workers in "new forms of employment" (notably platform work) are entitled to participate in and organize trade unions. [191]

Box 2 Case law on freedom of association in Italy

In **Italy**, a case considered by the Labour Court of Palermo held that a delivery platform's failure to provide to trade union organizations data relating to the operation of an algorithm, as required by law, can be considered as conduct contrary to freedom of association. In its decision, the Court wrote, "The defendant company's conduct consisting of its persistent refusal – arising from its failure to comply with a conduct considered mandatory – to communicate to the applicant trade unions the information [on the algorithm and its operational logic provided for by law] with the exclusion of the source codes and mathematical formulae used to create the computer platform, the only elements that may be covered by industrial or commercial secrecy … must be declared contrary to trade union freedom."

Source: Labour Court of Palermo, *Filcams CGIL Palermo and others v. Foodinho S.R.L.*, 20 June 2023.

[183] Poland, Act on Trade Unions of 23 May 1991, as amended.

[184] United Kingdom, Trade Union and Labour Relations (Consolidation) Act 1992; Ontario, Canada, Labour Relations Act of 1995.

[185] Netherlands, Authority for Consumers and Markets, *Price Arrangements of Self-Employed Workers*, 2023.

[186] European Commission, 2022/C374/02 (2022).

[187] Chile, Labour Code as amended by Law No. 21.431, of 8 March 2022, art. 152 *quinquies* H.

[188] France, Law No. 2022-139 of 7 February 2022.

[189] Italy, Law No. 128 of 2 November 2019.

[190] Greece, Law No. 4808/2021 of 19 June 2021.

[191] Within the framework being accepted as an affiliate of the All-China Federation of Trade Unions (ACFTU).

6.2. The abolition of forced labour and child labour

6.2.1. Context

142. The risk of child labour and forced labour is greater in parts of the global economy where work is hidden. In the case of online platforms, work often takes place at home behind a screen, making it difficult for external oversight to ensure that children are not working behind an adult's account. In addition, the possibility of children working online for money or for game credits to play online games instead of remuneration has also been documented. [192] An emerging issue relates to child influencers on social media platforms [193] and the risks associated with children's engagement with social media for remuneration. These child influencers are not dissimilar to children working in the wider media and entertainment industries, but they may not be recognized in regulations relating to child entertainers. [194]

6.2.2. Country and regional initiatives

143. To date, specific platform laws have not, to any extent, focused on forced labour and child labour. Several jurisdictions have legislation that applies generally to all individuals and prohibiting child labour and forced labour, which are covered in this report. In Argentina, for example, the prohibition of child labour applies whether or not there is a contractual employment relationship, and whether or not the child is remunerated. [195] The CEACR has on a number of occasions requested that governments adopt measures to ensure that all children, including self-employed children, are included in child labour protections. [196] Notwithstanding the general applicability of laws prohibiting child labour, specific protections for children working on platforms are limited. One available example are amendments made in 2020 to the French Labour Code to protect children under 16 working on online platforms. [197]

6.3. Equality and non-discrimination

6.3.1. Context

144. While platform work can provide opportunities for workers to combine work and family responsibilities, it can also reinforce gender roles and inequalities. [198] The greater reliance on information technology and the internet in workplaces also increases the risk of cyber harassment, with some research suggesting that women are more likely to be a target. [199]

145. Among workers engaged by platforms, research reveals a gender pay gap and occupational segregation along gender lines that mirror traditional employment relationships, with women

[192] Miriam A. Cherry, "Working for (Virtually) Minimum Wage: Applying the Fair Labor Standards Act in Cyberspace", *Alabama Law Review* 60, No. 5 (2009): 1077–1110.

[193] That is, children who have large followings on social media platforms.

[194] Jonathan F. Geider, "How to (Not) Exploit Your Internet Child Star: Unregulated Child Labor on YouTube, Instagram and Social Media", *Student Works* (2021): 1150.

[195] Argentina, Law No. 26.390 on Prohibition of Child Labour and Protection of Adolescent Labour.

[196] CEACR, Direct request – Convention No. 182 – Slovenia, adopted 2009; CEACR, Direct request, Convention No. 182 – Burkina Faso, adopted 2006; CEACR, Direct request – Convention No. 182 – Belgium, adopted 2005; CEACR, Direct request – Convention No. 182 – Switzerland, adopted 2003.

[197] France, Law No. 2020-1266 of 19 October 2020.

[198] Francesco Bogliacino et al., *Quantity and Quality of Work in the Platform Economy*, GLO Discussion Paper No. 420, 2019.

[199] European Institute for Gender Equality (EIGE), *Artificial Intelligence, Platform Work and Gender Equality*, EIGE Policy Brief, 2021.

more likely to perform cleaning and care services, while men are more likely to work in passenger transportation and delivery services. [200]

146. The substitution of management supervision with customer reviews has also given rise to concerns that these practices perpetuate existing societal biases and stereotypes. [201] In addition, if self-learning algorithms use unbalanced or biased data, they are likely to generate equally unbalanced and biased output [202]. Algorithms, while offering the potential for neutral outcomes and reducing discrimination, have in some cases produced the opposite effect, with studies pointing, for instance, to gender and racial discrimination. [203]

Box 3 Migrant platform workers

Migrant workers face specific labour protection challenges due to a variety of factors, including language and cultural barriers and discrimination. These challenges include exclusion from, or limited coverage by, national social protection schemes; a lack of familiarity with local labour and social security laws and OSH hazards at work; and limited access to services and support networks in the destination country. [1] In the absence of required documentation, migrant workers sometimes resort to the use of other people's accounts in order to work on platforms, which can increase their vulnerability to exploitation and abuse. [2] In addition, migrant workers often face significant barriers to accessing justice when their rights have been violated, and may avoid reporting cases of abuse or exploitation due to the fear of referral to the authorities and possible deportation. [3]

[1] Niels Van Doorn, Fabian Ferrari, and Mark Graham. "Migration and Migrant Labour in the Gig Economy: An Intervention", *Work, Employment and Society* 37, No. 4 (2023): 1099–1111. [2] " Há Motoristas TVDE forçados a dormir dentro dos carros", *Expresso*, 8 September 2023. [3] ILO, *Fair Recruitment and Access to Justice for Migrant Workers*, ILO Fair Recruitment Initiative Discussion Paper, 2022.

6.3.2. Country and regional initiatives

147. In Chile, platforms are required to respect the principle of equality and non-discrimination and take measures to avoid any type of discrimination among workers relating to the assignment of work, bonuses and incentives, and the calculation of remuneration. [204]

148. In some cases, platforms are required to disclose the decision-making criteria used by their algorithms, which may in turn support greater transparency and reduce the possibility of discrimination. In Spain, platform workers in the transport sector have the right to be "informed by the undertaking of the parameters, rules and instructions on which algorithms or artificial intelligence systems are based that affect decision-making that may affect working conditions, access to and maintenance of employment, including profiling". [205] In Croatia, employment contracts must include additional information on the manner of making decisions related to working time, working conditions, calculation of payment and the possibility of promotion. [206] In

[200] Brendan Churchill and Lyn Craig, "Gender in the Gig Economy: Men and Women Using Digital Platforms to Secure Work in Australia", *Journal of Sociology* 55, No. 4 (2016): 741–761.

[201] Neha Vyas, "'Gender Inequality – Now Available on Digital Platform': An Interplay between Gender Equality and the Gig Economy in the European Union", *European Labour Law Journal* 12, No. 1 (2021): 37–51.

[202] Janneke Gerards and Raphaële Xenidis, *Algorithmic Discrimination in Europe: Challenges and Opportunities for Gender Equality and Non Discrimination Law* (European Commission, Directorate-General for Justice and Consumers, 2021).

[203] Veena Dubal, "On Algorithmic Wage Discrimination", *SSRN Electronic Journal*, 2023.

[204] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 *quinquies* E.

[205] Spain, Law 12/2021 art. 64.4(d).

[206] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022.

Malta, information that must be shared by a platform with a worker includes the main parameters that automated decision-making systems take into account, including the way a worker's personal data or behaviour influence decisions. [207]

149. Proposed legislation in Pakistan's Islamabad Capital Territory prohibits direct and indirect discrimination, harassment and sexual harassment and prohibits algorithmic discrimination arising from dynamic pricing. [208] Draft legislation in Uruguay requires digital platforms to respect the principle of equality and non-discrimination in the implementation of algorithms. [209] Broader initiatives also exist, including guidance such as the World Economic Forum's 2020 Charter of Principles for Good Platform Work, which aims to identify the key principles for platform work and includes diversity and inclusion among its eight principles. [210]

150. Issues of discrimination have also been covered by case law. In Italy, a court found that algorithmic scheduling by a delivery platform that downgraded workers access to work time slots due to absences for reasons such as strike action, health, or family care responsibilities was discriminatory. [211]

6.4. Occupational safety and health

6.4.1. Context

151. Evidence suggests that the characteristics of platform work may increase some occupational risks – particularly psychosocial risks such as stress, anxiety, exhaustion and depression – beyond those faced by workers performing the same tasks outside of platform work. [212] Examples of practices found in platform work, that tend to generate such risks include: rating systems, which often grant no chance for appeal and thereby induce risks of unfair evaluations; the impact of dynamic pricing systems on worker remuneration, generating insecurity; the use of gamification of work; and the absence of face-to-face managerial interactions, which excludes the possibility for a worker to express concerns and benefit from social support. [213] The risks prevalent in certain sectors or forms of work are not specific to work on platforms in many cases. However, there is the potential for some risks, such as long and antisocial hours as well as an inability to refuse unsafe jobs due to the possibility of negative ratings, to be more likely to affect platform workers due to the impact of algorithms. [214]

152. Exposure to violence and harassment has also been reported, both by workers [215] and customers. [216] Platform workers engaged in domestic work or as carers in private households also

[207] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, section 17(2)(b)(iii).

[208] Pakistan, Islamabad Capital Territory Platform Workers Protection Bill 2023.

[209] Uruguay, Draft Law presented on 29 September 2022 on the Protection of Work Carried out through Digital Platforms, art. 4.

[210] World Economic Forum, Charter of Principles for Good Platform Work, 2020.

[211] Italy, Labour Court of Bologna, *Filcams CGIL Bologna and others v. Deliveroo Italia S.R.L.*, Case No. 2949/2019, 31 December 2020.

[212] Karolien Lenaerts et al., *Digital Platform Work and Occupational Safety and Health: A Review* (EU–OSHA, 2021).

[213] Pierre Bérastégui, *Exposure to Psychosocial Risk Factors in the Gig Economy: A Systematic Review* (ETUI, 2021).

[214] See Emilia F. Vignola, et al., "Workers' Health under Algorithmic Management: Emerging Findings and Urgent Research Questions", *International Journal of Environmental Research and Public Health* 20, No. 2 (2023): 1239.

[215] Uma Rani, Nora Gobel, and Rishabh Kumar Dhir, "Experiences of Women on Online Labour Platforms: Insights from Global Surveys", in *Global Perspectives on Women, Work, and Digital Labour Platforms* (Digital Future Society, 2022).

[216] Michael Maffie, "The Perils of Laundering Control through Customers: A Study of Control and Resistance in the Ride-hail Industry", *ILR Review* 75, No. 2 (2022): 348–372.

report safety concerns when working in people's homes, [217] particularly exposure to violence and harassment, including verbal or sexual abuse. [218] With respect to online work, prolonged connection times and sedentary work give rises to the risk of musculoskeletal disorders, visual fatigue and repetitive strain injuries. Other risks include psychological harm arising from exposure to violence and harassment, including cyber bullying, particularly in content moderation work. [219]

153. Responsibility for implementing risk prevention measures – such as risk assessments, risk management OSH training and the provision of protective equipment – fall into a "grey area" in many jurisdictions, or the responsibility is placed on workers, who generally have limited resources to meet these obligations, as in many cases platform workers are classified as self-employed. [220] In addition, a survey of self-employed workers in the European Union found that workers often do not know their legal obligations with regard to OSH. [221]

6.4.2. Country and regional initiatives

154. Countries take different approaches to protecting the occupational safety and health of workers, with a range of provisions described in this section, some of which are not dependent on being classified as an employee. For instance, in China, guidelines for workers who do not meet the requirements of an employment relationship, refer to strengthening occupational injury protections, adopting information-based guidance and encouraging platform companies to improve protection for workers through insurance. [222] In addition, the guidelines refer to promoting the establishment of temporary rest areas to solve issues concerning parking, charging of electrical equipment, and access to drinking water and toilets – issues that are of particular concern to transportation and delivery workers.

155. In the Republic of Korea, the Occupational Safety and Health Act extends protections specifically to cover passenger transportation and delivery platform workers and provides that platforms are responsible for measures to prevent industrial accidents. The Government may also grant subsidies to cover all or part of the expenses incurred in maintaining and promoting the safety and health of these workers. [223] In Italy, existing OSH protections were also extended to platform workers, including those classified as self-employed. [224] In France, the law provides for the possibility of platforms, establishing a Charter defining measures aimed at improving working conditions and preventing occupational risks to which workers may be exposed as a result of their activities. [225]

[217] Wandile Sibiya and David du Toit, "Sweeping up Decent Work: Paid Domestic Work and Digital Platforms in South Africa", *Gender & Development* 30, No. 3 (2022): 637–54.

[218] SweepSouth, *2022 Domestic Worker Survey: South Africa and Kenya – Report,* 2022.

[219] Lenaerts et al.

[220] EU–OSHA, *Occupational Safety and Health in Digital Platform Work: Lessons from Regulations, Policies, Actions and Initiatives*, EU–OSHA Policy Brief, 2022.

[221] Senior Labour Inspectors Committee (SLIC), *Challenges Faced by Labour Inspectorates relating to Enforcement - Contribution to the Ex-post Evaluation of the OSH Legislation*, adopted by the 68th SLIC Plenary in Riga (LV), 2015.

[222] China, MOHRSS et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

[223] Republic of Korea, Occupational Safety and Health Act of 17 August 2021.

[224]Italy, Law No. 128 of 2 November 2019 implementing Decree Law No. 101 of 3 September 2019.

[225] France, Law No. 2022-139 of 7 February 2022 on the Terms and Conditions for the Representation of Self-employed Workers, art. 2.

156. The OSH dimensions of algorithms are also referred to in legislation in Malta. [226] Platforms are required to evaluate the risks of automated monitoring and decision-making systems on the health and safety of workers, with particular regard to risk of accidents and psychosocial and ergonomic risks. In addition, the use of automated monitoring and decision-making systems that put undue pressure on workers is prohibited.

157. In the United Republic of Tanzania, the regulation that establishes fares for platforms in the transportation sector requires workers to observe safety and security measures and they are prohibited from engaging in abusive behaviour. [227] In Kenya, drivers are also required to comply with regulations prohibiting, for example, abusive behaviour and operating a vehicle while impaired by alcohol or other drugs. [228] In Portugal, in the scope of legislation relating to passenger transportation, the operator (that is, the person who provides the transport service and not the platform) is responsible for observing all legal provisions related to occupational safety and health. [229] With respect to refusing service, in Portugal in relation to delivery drivers, there is a right to refuse service on limited grounds such as dangerous roads or driving in places that pose a danger to the vehicle, passengers or the driver. [230]

158. In New York, an amendment to the administrative code of New York City provides that platform agreements with food establishments must include a provision requiring that a toilet facility be available for the use of food delivery workers lawfully on the establishment's premises to pick up a delivery. [231]

159. Some collective agreements include OSH-related provisions. In the Republic of Korea a collective agreement signed in October 2020 between the Korean Federation of Service Workers Union and the delivery platform Woowahan Youths (Baemin) introduces occupational risk prevention measures, such as road safety training or the suspension of order deliveries in the event of inclement weather. [232] In Italy, a collective agreement between Just Eat and the Italian General Confederation of Labour (CGIL), the Italian Confederation of Workers' Trade Unions (CISL), and the Italian Union of Transport Workers (UIL Trasporti) defines the safety equipment and training responsibilities of platforms in relation to self-employed workers in the delivery sector. [233]

160. This chapter has identified some of the challenges and solutions faced by platform workers in organizing and representing their interests. Challenges have also arisen in relation to the effective recognition of the right to collective bargaining for platform workers. This review identified several cases in which countries confirmed through legislation the right to collective bargaining for certain platform workers, including self-employed workers.

[226] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

[227] United Republic of Tanzania, Order No. LATRA/01/2022 under the Land Transport Authority (Tariff) Regulations of 14 March 2020.

[228] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022.

[229] Portugal, Law No. 45/2018 of 10 August 2018.

[230] Portugal, Law No. 45/2018 of 10 August 2018.

[231] United States, Administrative Code of the City of New York as amended by Law No 2021/117. This contains some exceptions where access is through food preparation, storage or washing areas, or would present a risk to the worker.

[232] Chea Sarah, "Baemin Riders Operator Agrees to Improve Working Conditions", *Korea JoongAng Daily*, 22 October 2020.

[233] Accordo integrativo aziendale tra Takeaway.com Express Italy e FILT CGIL (Confederazione Generale Italiana del Lavoro), FIT-CISL (Confederazione Italiana Sindacati Lavoratori) e UIL Trasporti (Unione Italiana dei Lavoratori) per l'inserimento dei Rider nel contesto normativo e organizzativo del lavoro e l"applicazione del CCNL ""Logistica, Trasporto, Merci e Spedizioni"".

161. With respect to the application of other fundamental principles and rights at work, platform work does give rise to risks for some workers who are hidden from scrutiny while working online and in homes. This review has found limited examples of specific initiatives or oversight activities that focus on forced labour or child labour in platform work. With respect to equality and non-discrimination, some platform legislation contains provisions that support greater transparency, which in turn may reduce the risks of discrimination, particularly in relation to the role of algorithms in decision-making, but wider protections are not common. With respect to occupational safety and health, some countries have taken measures to extend coverage to workers independently of their employment status. Most legislation of this sort relates to location-based platforms in the passenger transportation and delivery sectors. In the case of self-employed workers, depending on the jurisdiction, responsibility for occupational safety and health is attributed in some cases to workers and in others to the platforms. Greater attention is needed in relation to all of these dimensions of the fundamental principles and rights at work to ensure that workers, including those who are migrants, are better protected.

Chapter 7

Employment policy and promotion

7.1. Context

162. As detailed in Chapters 1 and 2, the growth of the platform economy has provided opportunities for job creation, income generation and business growth. The lower entry barriers to work on platforms have created employment prospects for some groups that otherwise face difficulties accessing conventional labour markets. [234] Moreover, the flexibility offered by some platforms can facilitate the labour market transition of youth, offering a pathway to gain valuable work experience.

163. Nevertheless, various challenges persist, including limited digital connectivity, skills gaps, restricted mobility, and the influence of gender stereotypes and other societal norms that constrain labour market participation. Uneven access to technology, to the development of relevant skills and to opportunities in the digital world particularly disadvantages girls and women and risks exacerbating gender inequality. [235] The digital divide has also a geographical dimension, with some regions disproportionately affected by these challenges. [236] The opportunities offered by platforms for employment creation would be increased by their being considered in national employment policies and in national development planning, but at this stage such consideration remains scarce.

164. Digital skills represent both a gap and an opportunity for the future of decent work in the platform economy. Technologies are constantly reshaping the labour market and, by extension, the skills required by it, which in turn demands agile and responsive educational and vocational skills development. Some groups who may have constraints on investing in their skills, especially women, require adequate learning solutions adapted to their needs.

7.2. Country and regional initiatives

165. At the policy level, steps are being taken by some countries to ensure the integration of platform work within the framework of their national employment policies. In this regard, Morocco carried out a survey of platform workers, which was used as evidence to inform their second-generation national employment policy, which is currently under formulation.

166. In China the Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment include a reference to establishing a model of vocational training suitable to workers in new forms of employment, and ensuring that they enjoy equal access to training. It also includes provisions regarding subsidies for the training of workers and references to the recognition of these workers' skills. [237] In France, the law establishes that workers on

[234] Namita Datta et al., *Working Without Borders: The Promise and Peril of Online Gig Work* (World Bank, 2023).

[235] Sabina Dewan, Apoorva Dhingra and Swati Rao, *Technology, Equality and the Future of Work in South and South East Asia*, FOWIGS Regional Views on the Future of Work, Working Paper, 2022.

[236] UNCTAD, *Digital Economy Report: Pacific Edition 2022*.

[237] China, MOHRSS, et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

platforms have the right to access vocational training and that the related costs should be the responsibility of the platform. In this regard, the law provides for the creation of one personal training account for each worker, which is to be funded by the platform. [238] Finally, in Croatia, the law establishes that an employment contract concluded with a worker on a platform must include information on "the manner of training and advanced training of workers". [239]

167. Other examples of government initiatives impacting employment on platforms include initiatives to broaden skills to meet the needs of the digital economy. For instance, a range of initiatives in Singapore, Malaysia, Egypt, Kenya and the Philippines focus on digital literacy and equipping people with skills to work in the wider information and communication technology (ICT) sector.

168. It is also worth mentioning some specific initiatives that target work on platforms. In Malaysia, the eRezeki programme targets workers from low-income groups and matches them to jobs on platforms, and the Global Online Workforce (GLOW) programme seeks to develop the skills of competitive digital freelancers to secure projects on international online platforms. [240] There are also examples of initiatives targeting unequal access to equipment and internet connectivity in remote areas, such as Project Karya in India and the Ajira Youth Empowerment Centres in Kenya. [241]

169. Civil society organizations and training providers are also leading initiatives that build skills and entrepreneurship. The Information Technology Institute in Egypt provides free online training on skills for digital careers for freelancers, as well as offering mentoring. [242] In the Philippines, the Online Professional Service Cooperative supports online workers with training, coaching and mentoring. [243] In Kenya, the Refugee Employment and Skills Initiative trains freelance workers in refugee camps to connect them with income-earning opportunities on platforms. [244] Humans in Loop is an example of an initiative that focuses on the skills of refugees and displaced people. [245]

170. Leveraging the opportunities presented by digital platforms for job creation demands targeted efforts in some cases. The development of digital infrastructure is an important investment to reduce barriers to platform work. The initiatives presented in this section primarily focus on the development of digital skills, a key factor influencing the capacity of workers to engage with platform opportunities. Additionally, there is a concerted effort to enhance training opportunities specifically tailored for workers in the platform economy. Notably, the examples highlight a commitment to inclusivity, with a specific focus on groups traditionally marginalized.

[238] France, Law No. 2016-1088 of 8 August 2016 Regarding Labour, Modernizing Labour Relations, and Securing Career Tracks.

[239] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221l.

[240] Association of Southeast Asian Nations (ASEAN), *ASEAN Employment Outlook: The Quest for Decent Work in Platform Economy – Issues, Opportunities and Ways Forward*, 2023.

[241] Datta et al.

[242] ILO, *Towards Decent Work for Young Refugees and Host Communities in the Digital Platform Economy in Africa: Kenya, Uganda, Egypt*, 2021.

[243] ASEAN, *ASEAN Employment Outlook*.

[244] ILO, *Towards Decent Work for Young Refugees and Host Communities in the Digital Platform Economy in Africa*.

[245] Datta et al.

Chapter 8

Labour protection

8.1. Remuneration

8.1.1. Context

171. In this report, remuneration encompasses financial compensation paid to both employees and self-employed workers. The term "remuneration" has been used in this sense in international labour standards of wider application. [246] While remuneration systems in the platform economy are characterized by diversity, they nevertheless share some common characteristics relating to payment for task-based work. Workers on platforms are primarily paid per completed task, rather than fixed hourly, weekly or monthly wages. [247] The setting of piece-rate payments may make it more difficult to assess the adequacy of remuneration in the platform economy in relation, for instance, to minimum wage rates.

172. Remuneration challenges vary among platform workers. For some, platform work serves as a supplementary income to their primary job, affecting their decision-making and earnings potential. Earnings unpredictability is another issue related to remuneration, and can be influenced by potential delays and waiting times that may or may not be within the control of the worker. Competitive pressure may drive workers on online platforms to accept low-paid tasks. [248] Issues may also arise for online workers when the payment for a completed task may be at the discretion of the client that posted the task. [249]

173. Algorithms play a significant role in determining remuneration and may be influenced by demand levels and the time of task allocation. The rules that guide the determination of remuneration are not always known to workers and often lack transparency. [250] Research has shown that the design of algorithms enables platforms to set personalized remuneration rates at the exact level required to incentivize workers to provide their services at the desired time. [251]

174. Additionally, platforms may charge commissions or fees. In some cases, fees are charged to gain access to a platform, and can be a barrier to obtaining work. [252] Location-based platforms often charge percentage-based commissions to workers (and customers) upon task completion. Online platforms may employ various fee structures, optional subscription plans or a combination of both. [253] Authors have identified a concerning practice of gradual increase of commissions, which

[246] See Work in Fishing Convention, 2007 (No. 188).

[247] Felix Sieker, "Platform Work and Access to Social Protection across Major European Countries", *Journal of International and Comparative Social Policy* 38, No. 3 (2022): 193–207.

[248] ILO, *World Employment and Social Outlook 2021*, 157.

[249] Janine Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World.*

[250] Sara Baiocco et al., *The Algorithmic Management of Work and Its Implications in Different Contexts*, EU–ILO Building Partnerships on the Future of Work Background Paper No. 9, 2022.

[251] Dubal.

[252] ILO, *World Employment and Social Outlook 2021*.

[253] Datta et al.

diminishes workers' earnings. [254] Moreover, location-based workers are often responsible for costs associated with the purchase and maintenance of their work equipment.

8.1.2. Country and regional initiatives

175. Various approaches to remuneration can be seen in legislation. Malta and the US State of California present examples of legislation that illustrate the association between the presumption of an employment relationship and remuneration. In Malta, the law establishes that a worker on a platform in the delivery sector must receive: (i) the same wages as a comparable employee employed by the same employer; or (ii) no less than the minimum wage where there is no comparable employee. [255] This regulation also provides that the employer is responsible for the provision of vehicles and safety equipment, as well as the cost of maintenance, insurance, licence fees and fuel. [256] In California, Law AB5 [257] established that when workers are classified as employees according to the established criteria, they will be subject to provisions in the Labour Code relating to piece-rate compensation that prescribe how piece rates are calculated. However, if this results in an hourly payment less than the minimum wage in California, then the minimum wage is to be paid. [258] Any amount of time considered overtime is paid at the overtime pay rate under this law.

176. In China, the Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment provide that such workers should receive remuneration not lower than the local minimum wage. [259] In the Canadian Province of Ontario, the Digital Platform Workers' Rights Act provides that platform workers have the right to receive at least the minimum wage payable under the Employment Standards Act, 2000. [260] The Digital Platform Workers' Rights Act, when it comes into force, will apply to all platform workers regardless of their classification. In Chile, under amendments to the Labour Code in 2022, independent platform workers (who are not employees) have the right to hourly fees that cannot be "less than the proportion of the minimum monthly income determined by law increased by twenty per cent" to account for waiting time. [261] Specific methods for calculating fees are also set out in the law.

177. In France, two collective agreements were signed between representatives of platforms and workers in the transportation of passengers [262] and delivery [263] sectors on the topic of minimum remuneration, establishing, respectively, a minimum revenue per ride and a minimum hourly revenue.

[254] Yuanguang Zhong et al., "On-demand Ride-Hailing Platforms in Competition with the Taxi Industry: Pricing Strategies and Government Supervision", *International Journal of Production Economics* 243 (2022): 108301.

[255] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, Regulation 6.

[256] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, Regulation 7.

[257] Proposition 22 repealed Law AB-5 with the effect of reclassifying app-based drivers to be independent contractors, not employees, but this was declared unconstitutional by the California Supreme Court.

[258] United States, California, Labour Code, section 1182.12.

[259] China, MOHRSS et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

[260] For the relevant class of employees in this instance, see subparagraph 1(iv) of subsection 23.1(1) of the Employment Standards Act 2000 (Canada, Ontario).

[261] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

[262] France, Accord du 18 janvier 2023 créant un revenu minimal par course dans le secteur des plateformes VTC.

[263] France, Accord du 20 avril 2023 instaurant une garantie minimale de revenus pour les livreurs indépendants utilisant une plateforme de mise en relation.

178. In Italy, collective agreements signed by the most representative trade unions and employers' organizations may define remuneration for self-employed delivery platform workers. [264] In the event that such conditions have not been defined, workers may not receive an income below the minimum hourly rates established in national collective agreements in similar or equivalent sectors signed by the most representative national trade unions and employers' organizations. [265]

179. In the US city of Seattle, app-based workers who deliver meals, groceries and packages, and some on-demand service providers, are entitled to minimum pay based on the time and miles travelled for each task. [266] In the US State of Washington, with respect to the regulation of passenger transport platforms, workers who are classified as independent contractors must be paid a minimum amount of compensation per trip according to a prescribed calculation method. [267]

180. There are some provisions dealing with other aspects of remuneration, including transparency provisions, which are referred to in Chapter 11, as well as rules relating to deductions and tips. In Malta, fees or deductions levied on a platform worker in consideration of recruitment or concluding a contract with a work agency or digital platform is prohibited. [268] The City of Seattle requires that app-based platforms may only deduct compensation if expressly authorized by an app-based worker in writing, and any tips must be paid to the worker and not be counted towards remuneration. [269] In Ontario, Canada, platforms will be required to disclose how pay is calculated and ensure a recurring pay period; platforms must also disclose whether tips are collected and not deduct them from pay. [270]

181. While there are differences in how earnings from platform work are calculated, there is evidence of initiatives to establish requirements for remuneration aiming at guaranteeing minimum earning levels. This section has described how some countries have established minimum payment requirements using different calculation methods for platform workers. These include benchmarks aligned with relevant minimum wages, collective agreements or a specifically prescribed payment amount based on each task. Wider provisions addressing other aspects of remuneration – including commissions, pay periods and other deductions – are not commonly found, with few examples located.

8.2. Working time

8.2.1. Context

182. Work flexibility is among the motivations often presented by workers to work on platforms. In fact, a growing number of workers are seeking greater flexibility in their jobs, in particular flexible working time arrangements and the ability to work remotely. Flexible working offers workers the opportunity to achieve a better balance between their paid work and their personal lives. And there is plenty of evidence that better work–life balance among workers also provides a number of positive effects for enterprises, including improved engagement and worker retention.

[264] Italy, Law No. 128 of 2 November 2019.

[265] Italy, Law No. 128 of 2 November 2019, art. 47-*quater* (Compensation).

[266] United States, City of Seattle, App-Based Worker Minimum Payment Ordinance SMC 8.37, 2022.

[267] United States, Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[268] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

[269] United States, City of Seattle, App-Based Worker Minimum Payment Ordinance SMC 8.37, 2022.

[270] Canada, Ontario, Digital Platform Workers' Rights Act, 2022 (not yet in force).

183. Nevertheless, there are also some features of platform work that may in practice limit workers' control over their work schedules. [271] An important factor is the fact that workers on platforms are usually paid on a piece-rate basis for each order/task completed. At the same time, competitive pressures in some sectors may lead to reduced pay rates, and this consequently can push workers to work longer hours to reach a certain level of remuneration. [272] On certain platforms, periods of prolonged inactivity in a worker's account may also lead to the account being deactivated – thereby effectively imposing limits on working time flexibility. [273]

184. Algorithms also have an influence on working time, and notably, the use of algorithms to assess workers' performance and to allocate new tasks may lead to working unsocial and variable hours. [274] Finally, ratings systems also encourage workers to maintain a high acceptance rate in relation to the tasks proposed. [275]

185. Online workers have to adapt their work schedules to a market that is truly international, with clients and service providers located in different time zones. [276]

8.2.2. Country and regional initiatives

The relevance of classification

186. Working hours are often connected to classification questions. [277] A number of court cases show that working time flexibility is considered a relevant factor in classifying workers as self-employed. In other cases, however, such flexibility was not considered to preclude the existence of an employment relationship. Some courts have taken into consideration the fact that, once connected, workers were integrated into the service organized by the platform, which gave them instructions, controlled the execution of those instructions and exercised disciplinary power over the worker. Some courts also held that the freedom to choose work schedules was limited in practice due to the scoring and incentive systems put in place by the platform. [278]

Limits on working hours

187. Although specific regulation of working time for workers on platforms remains scarce, this review found a number of initiatives placing upper limits on working hours to address OSH risks, particularly for drivers working for platforms. In such cases, concerns may relate not only to occupational safety and health but also to public safety. In Portugal, drivers cannot work for more than 10 hours over a 24-hour period, regardless of the number of platforms on which they provide

[271] See, for instance, Mohammad Amir Anwar, Jack Ong'Iro Odeo, and Elly Otieno, "'There Is No Future in It': Pandemic and Ride-hailing Hustle in Africa", *International Labour Review* 162, No. 1 (2023): 23–44.

[272] Valerio De Stefano, *The Rise of the "Just-in-Time Workforce": On-demand Work, Crowdwork and Labour Protection in the "Gig-Economy"*, ILO Conditions of Work and Employment Series Working Paper No. 71, 2016.

[273] Sacha Garben, *Protecting Workers in the Online Platform Economy: An Overview of Regulatory and Policy Developments in the EU* (EU–OSHA, 2017).

[274] Hyers and Kovacova, 2018, as cited in Gheorghe H. Popescu, Irina Elena Petrescu, and Oana Matilda Sabie, "Algorithmic Labor in the Platform Economy: Digital Infrastructures, Job Quality, and Workplace Surveillance", *Economics, Management, and Financial Markets* 13, No. 3 (2018): 74–79.

[275] Lee et al., 2015, as cited in Michael Dunn, "Making Gigs Work: Digital Platforms, Job Quality and Worker Motivations", *New Technology, Work and Employment* 35, No. 2 (2020): 232–249.

[276] Andrey Shevchuk, Denis Strebkov, and Alexey Tyulyupo, "Always on across Time Zones: Invisible Schedules in the Online Gig Economy", *New Technology, Work and Employment* 36, No. 1 (2021): 94–113.

[277] On this topic, see: ILO, *Ensuring Decent Working Time for the Future: General Survey Concerning Working-Time Instruments*, ILC.107/III(B) (2018), paras 750 et seq.

[278] Valerio De Stefano et al., *Platform Work and the Employment Relationship*, ILO Working Paper No. 27, 2021, 31–34.

their services. Platform operators must implement mechanisms to ensure compliance with this rule and keep activity records for two years. [279] Under India's Motor Vehicle Aggregators Guidelines of November 2020, to obtain a licence, aggregators (the digital intermediaries through which passengers connect with drivers) must ensure that drivers are not logged in for more than 12 hours a day, even when engaged with multiple aggregators. Once the connection limit is reached, a mandatory break of 10 hours applies. In the US State of Washington, the limit for drivers is set at 14 consecutive hours in a 24-hour period. [280] The New Zealand Transport Agency also limits working hours for drivers engaged on digital labour platforms by virtue of rules applying to small passenger service vehicles. Working time – which includes the time spent undertaking other work-related duties such as cleaning the vehicle or doing administrative work – is limited to 13 hours per day, and daily rest cannot be less than 10 consecutive hours. [281] In Kenya after 8 hours of continuous service in a 24-hour period, a driver must log off for at least 4 hours. [282]

Waiting times

188. Waiting times are not commonly addressed in regulations related to platform work. However, in Chile, legislation defines working time for workers on platforms who are classified as employees as the time during which the worker is at the disposal of the digital service platform company, starting from access to the digital infrastructure and until he/she voluntarily disconnects. Recording of working time is mandatory, with clear identification of the passive working time (the time during which the worker is at the disposal of the digital platform without performing work for reasons that are not attributable to the worker) and the active working time during which services are actually being provided. The law also provides that the hourly remuneration of active working time must not be less than 120 per cent of the minimum monthly income, to account for waiting time and any other period of working time during which tasks are not effectively completed. [283]

Box 4. Collective agreements with provisions on working hours

In **Switzerland**, the employers' association Swissmessengerlogistic (SML) concluded in 2018 a national collective agreement with Syndicom (the media and communications union). The scope of this agreement included both traditional companies and platforms operating in the sector of bike couriers and urban courier services. The agreement addressed the working hours of full-time and part-time employees, work schedules, the recording of working time, overtime, rest breaks, work on Sundays, and night work. * In **Chile**, a collective agreement concluded between Delivery Technologies SpA and the Cornershop Chile Company Union provides for a wage premium for work performed between 5 p.m. and 9 p.m. on certain dates.

* Collective Labour Agreement for Bicycle Couriers and Urban Courier Services of 24 May 2019.

[279] Portugal, Law No. 45/2018 of 10 August 2018.

[280] United States, Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[281] New Zealand, Land Transport Rule: Work Time and Logbooks 2007 (Rule No. 62001/2007) as at 1 May 2021.

[282] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022.

[283] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

Disconnection from platforms

189. Disconnecting from a platform is specifically dealt with in some legislation for the purpose of ensuring that workers are not penalized for doing so when they choose. In France, legislation relating to platforms in the passenger transport sector [284] requires that charters developed by platforms include rules that guarantee workers' freedom to use the platform and to connect or disconnect. [285] In 2018, the Bologna City Council in Italy adopted a Charter of Fundamental Rights for Digital Workers in the Urban Context after consultation with workers, trade unions and platforms, [286] and which provides that platforms must ensure workers are able to freely connect and disconnect. In Chile, platform companies must enforce a minimum disconnection time of 12 hours within every 24 hours for workers classified as self-employed. It also expressly prohibits temporary disconnections by a platform on other grounds, such as the worker's failure to connect to the platform during a certain period of time. [287]

190. While job flexibility is among the main motivations for workers to work on platforms, this section has highlighted how such flexibility is also a source of hidden constraints and controls over working time, particularly when associated with irregularity and unpredictability of income. This includes pressure arising from algorithms that encourage workers to stay connected to avoid the negative consequences of disconnecting. There is little in the way of initiatives addressing working hours other than some limits in the transport of passengers and delivery sectors to ensure minimum rest periods, as well as measures to enable workers to "disconnect" from a platform without adverse consequences. In some cases, countries have legislated to recognize waiting times in the calculation of remuneration. However, unlike employees, self-employed workers on platforms are less likely to be protected across these areas.

8.3. Contract termination and deactivation

8.3.1. Context

191. Procedures relating to the termination or deactivation of contracts related to digital platform workers take different forms depending on the workers' employment status and contract terms. In the case of workers classified as employees, rules established in relevant labour legislation apply. In the case of commercial or civil contracts, termination follows the terms and conditions of the service agreements and are not ordinarily subject to labour legislation. In practice, the termination of a contract is in many cases the act of disconnecting or deactivating a worker's account. In some contractual arrangements, workers can request clarification of the reasons that led to the decision to terminate and have avenues to contact the platform when an account is suspended. In others, the disconnection takes place without any further information or explanation.

192. An additional challenge results from the use of algorithms and ratings systems that act as determinants of workers' performance, with consequences that include downgrading access to a platform or disconnection without recourse to human oversight. Workers' ability to understand the consequences of decisions concerning the times in which they work are not obvious and are

[284] France, Transportation of passengers by car and delivery of goods using two- or three-wheeled vehicles.

[285] France, Labour Code as amended by Law No. 2022-492 of 6 April 2022, art. L. 1326-4.

[286] Italy, Commune di Bologna, *Carta dei diritti fondamentali del lavoro digitale nel contesto urbano*, 2018.

[287] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

not necessarily disclosed in service agreements. This in turn impacts workers' ability to substantiate legal claims when their rights and interests have been adversely affected. [288]

193. A range of questions have arisen about fair processes, with several studies referring to the practice of platform companies automatically deactivating workers' accounts based on low customer ratings. [289] Other reasons for deactivation have also been documented, including for:

- rejecting too many orders;
- violating the terms of a platform's service agreement;
- long periods of inactivity; and
- not being available to work at certain times. [290]

194. The absence of notice and reasons for a decision to terminate a contract as well as the lack of human oversight of such decisions has also been observed. [291]

195. Termination and deactivation issues have cross border dimensions some of which are discussed in section 8.5. The prospect of a worker staying in the territory in which they reside to pursue a legal claim as the result of the deactivation of their account or termination of their contract, if they are no longer legally entitled to work in a particular country also requires consideration.

8.3.2. Country and regional initiatives

196. The primary focus of the regulations analysed tend to relate to the deactivation of a worker's access to a platform. The App-Based Worker Deactivation Rights Ordinance promulgated by the US city of Seattle defines deactivation as "the blocking of an app-based worker's access to the worker platform, changing an app-based worker's status from eligible to accept offers to perform services to ineligible, or other material restriction in access to the worker platform that is effected by a network company". The Ordinance establishes the conditions under which the deactivation is possible, the right for the worker to challenge the deactivation and the parameters to be included in the notice of deactivation. Finally, it establishes that the worker must be provided access to records substantiating the deactivation. [292]

197. In Italy, the deactivation of a worker from a platform and reduced opportunities attributable to non-acceptance of work are prohibited. [293] In addition, 30 days' notice is required in Chile prior to termination of the contract, except for a serious breach by the worker. [294] In the US State of Washington, platform transport companies are prohibited from enforcing any policy that considers paid sick time [295] as time off a platform that may lead to or result in temporary or

[288] Jeremias Adams-Prassl et al., "Regulating Algorithmic Management: A Policy Blueprint", in *Ensuring Decent Work in Times of Uncertainty,* 8th Regulating for Decent Work Conference, 10–12 July (ILO, 2023), 27.

[289] Alex J. Wood, "Algorithmic Management: Consequences for Work Organisation and Working Conditions", European Commission JRC Working Papers Series on Labour, Education and Technology No. 2021/07, 2021, 8.

[290] ILO, *Digital Platforms and the World of Work in G20 Countries: Status and Policy Action*, 2021.

[291] See Uma Rani and Marianne Furrer, "Digital Labour Platforms and New Forms of Flexible Working in Developing Countries: Algorithmic Management of Work and Workers", *Competition & Change* 25, No. 2 (2021): 212–236.

[292] United States, City of Seattle, Ordinance Establishing Labour Standards on Deactivation Protections for App-based Workers Working in Seattle, 2023.

[293] Italy, Law No. 128 of 2 November 2019.

[294] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

[295] United States, Washington State, Under the law, all transport network companies must provide each driver on its platform compensation for earned paid sick leave.

permanent deactivation. [296] In Kenya a transport network company is required to have a deactivation policy, and before deactivating a vehicle owner from a platform they must give adequate notice to the vehicle owner or the driver in writing, provide an opportunity for the vehicle owner/driver to respond, and provide written reasons for its decision. [297]

198. In Malta, workers also have a right to receive a written communication before being deactivated from the platform and the reasons for the deactivation, unless it is for non-compliance by the worker. In France, platforms cannot suspend or deactivate the accounts of workers when they have exercised their freedom to choose periods of activity or inactivity, choose their work materials, choose their itinerary of work, or decide to work simultaneously for more than one platform. [298] Furthermore, non-acceptance of work by the worker cannot constitute a reason for deactivation or suspension of the account. [299]

199. In Chile, platform contracts are legally required to include the grounds for termination, the form of communication, the notice periods and the mechanisms for termination. [300] Platforms have the obligation to communicate the termination of a contract in writing and at least 30 days in advance to those independent workers who have provided services through the platform for at least six months. [301] The obligation for the advance notice is not applicable in case of termination due to a serious non-compliance by the worker.

200. In France, additional guarantees have been provided to certain platform workers in the transport industry by means of collective agreements. For example, an agreement relating to workers in the delivery sector in France [302] includes an obligation to inform workers about the platform's procedures for the deactivation of accounts [303], and also includes a requirement for human control over decisions relating to the termination of contracts [304]. In another collective agreement, similar guarantees apply in the passenger transport sector, [305] as well as an additional right to compensation for those drivers whose accounts have been unfairly suspended. [306]

201. The deactivation of workers' accounts is central to concerns about the modalities for contract termination. Unlike labour laws relating to contract termination that have boundaries such as valid reasons, advance notice or compensation, most platform contracts have no such requirements, nor do they require any human oversight to ensure the fairness

[296] United States, Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[297] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022, Regulation 15.

[298] France, Code of Transport as amended by Law No. 2022-492 of 6 April 2022, art. L.1326-4.

[299] France, Code of Transport as amended by Law No. 2022-492 of 6 April 2022, art. L.1326-2(2).

[300] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 X.

[301] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 A.

[302] France, Agreement of 20 April 2023 on the Modalities for the Termination of the Contractual Relation between the Platform and the Delivery Worker. Available (in French) at: https://www.arpe.gouv.fr/wp-content/uploads/2023/05/Accord-Desactivations-20.04.2023.pdf.

[303] France, Agreement of 20 April 2023 on the Modalities for the Termination of the Contractual Relation between the Platform and the Delivery Worker, art. 2.1.

[304] France, Agreement of 20 April 2023 on the Modalities for the Termination of the Contractual Relation between the Platform and the Delivery Worker, art. 2.3.

[305] France, Agreement of 19 September 2023 relating to the Transparency of the Operation of "VTC" reservation centres and the Conditions for Suspension and Deactivation of Ride-hailing Services. Available (in French) at: https://www.arpe.gouv.fr/wp-content/uploads/2023/09/Accord-transparence-et-desactivation-secteur-VTC.pdf.

[306] France, Art. 13 of the Agreement of 19 September 2023.

of contract termination. As mentioned in the previous section, without knowing the parameters of decisions, the ability of workers to challenge decisions is made all the more difficult and may be compounded by the challenges of litigating in a foreign jurisdiction. As a consequence, a number of legislative measures have been put in place to tackle these issues, including through collective agreements, in order to establish the conditions in which deactivation can take place, the information workers should have access to, and the means for workers to appeal.

8.4. Protection of workers' personal data

8.4.1. Context

202. Platforms capture vast amounts of data about workers and customers, from where they are at any given moment to the websites they visit. The processing and commercialization of this data is a source of revenue for platforms. However, defining the legitimate and illegitimate use of data is sometimes not clear. Measures to address concerns about the protection of workers' personal data and legal instruments on data protection are emerging in a number of countries. [307]

203. For workers on platforms, data portability from one platform to another has become an important issue, as a worker's professional history – including rankings – can facilitate mobility between platforms. [308] While it is argued that the portability of volunteered and observed data is likely to enhance competitiveness and innovation in the context of digital markets, practical issues also arise. These include differences in data formats that may be used following a request for data portability, legal issues concerning the content of data transferred from one company to another, and liability in the event of data loss. [309]

8.4.2. Country and regional initiatives

204. There have been several developments relating to data protection, including the OECD Guidelines on Privacy Protection and Transborder Flows of Personal Data (updated in 2013) [310] and the European General Data Protection Regulation, 2016 (GDPR) [311], which play an influential role in the development of data privacy protections in a number of jurisdictions. In addition, the African Union Convention on Cyber Security and Personal Data Protection also contains some data protection provisions. Many countries also have data privacy legislation that extend protections to workers that are not covered in this chapter but are nevertheless relevant to the topic.

205. Many jurisdictions around the world have data protection laws, which encompass the protection of workers' personal data, including the EU GDPR. In practice, the expression of the rights and obligations concerning the protection of personal data relating to platforms are contained within these legal frameworks. [312] However, there are some cases where additional general protections

[307] Frank Hendrickx, *Protection of Workers' Personal Data: General Principles,* ILO Working Paper No. 62, 2022.

[308] Berg et al.

[309] Jan Krämer, "Personal Data Portability in the Platform Economy: Economic Implications and Policy Recommendations", *Journal of Competition Law & Economics* 17, No. 2 (2021): 263–308.

[310] OECD, *The OECD Privacy Framework*, 2013.

[311] Regulation No. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and repealing Directive 95/46/EC (General Data Protection Regulation).

[312] For example, in Italy Law No. 128 of 2 November 2019 relating to platforms provides that the protection of personal data is in accordance with the GDPR and the Italian Personal Data Protection Code. In Ontario, Canada, the Digital Platform Workers' Rights

can be found in platform-related laws. In Chile, an employee's data is "strictly confidential and may only be used by the platform company [in] the context of the services provided by the same company" [313], and a worker has the right to request access to their personal data. In Kenya, transport platforms are required to guarantee the security, protection and privacy of drivers and passengers. [314] In Greece, the contract between the platform and the worker must include the measures taken by the digital platform to protect the personal data of service providers. [315]

206. In Croatia, when processing personal data, a platform is prohibited from processing data related to a worker's personal conversations, emotional or psychological state, or health. [316] In addition, platforms are prohibited from collecting personal data during a period in which a worker is not working. [317] In Malta, a similar provision is in place, which also provides that the prohibition on processing private conversations extends to exchanges between platform workers and their representatives. [318] Proposed legislation in Pakistan's Islamabad Capital Territory and the proposal for an EU Directive on improving working conditions in platform work also contain provisions of this nature. [319]

207. The protection of a worker's digital reputation or intellectual capital as well as data portability are not visible in any specific platform laws to any extent. Data portability is, however, provided for in Article 20 of the EU General Data Protection Regulation, which refers to the right to receive personal data in a "structured, commonly used and machine-readable format" and provides that individuals have the right to "transmit those data to another controller without hindrance from the controller to which the personal data have been provided" according to specific conditions. The Standards for Personal Data Protection for Ibero-American States (Article 30) also provide for a right to data portability. A draft bill in Uruguay provides: "Workers have the right to the intangibility of their digital reputation .... The digital reputation constitutes a private and portable capital of the employee, who may access all data collected by the company concerning him/her during the employment relationship and up to one year after its termination". [320]

208. The ability to gather, analyse and store data constitutes a pivotal aspect of the operations of platforms that connect businesses and clients with workers. Many jurisdictions around the world have data protection laws that encompass the protection of workers' personal data. In some cases, additional protections are found in platform-related laws, and there are limited examples to be found relating to data portability in the context of platform work.

Act, 2022, when it comes into force, would provide that certain disclosures must be in accordance with the Freedom of Information and Protection of Privacy Act.

[313] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, art. 152 *quinquies* D.

[314] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022, Regulation 14(5).

[315] Greece, Law No. 4808/2021 of 19 June 2021.

[316] With respect to health, this is with the exception of cases provided for by regulations on the protection of personal data.

[317] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221j.

[318] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

[319] Pakistan, Islamabad Capital Territory Platform Workers Protection Bill, Clause 15(1), and Council of the European Union, Proposal for a Directive on Improving Working Conditions in Platform Work – General Approach, 7 June 2023, Art. 5a.

[320] Uruguay, Draft Law on the Protection of Work Developed through Digital Platforms, art. 8.

8.5. Dispute resolution

8.5.1. Context

209. Setting effective dispute resolution mechanisms [321] in the platform economy gives rise to two important issues: [322] firstly, the type of dispute resolution mechanism included in standard-form contracts paired with the cross-border nature of the relationship between workers and platforms, and how this is reflected in the competent jurisdictions with respect to the effective guarantee of access to justice; and secondly, the impact of algorithms on remuneration, working time and termination/deactivation, and hence on workers' capacity to challenge decisions without having a human being as an interlocutor.

210. Arbitration clauses are a common feature of platform contracts, and often require platform workers to accede to private dispute settlement mechanisms which, in many cases, are subject to non-disclosure requirements that make the arbitration awards neither published nor accessible. [323] Platform contracts also often provide for private arbitration in a country other than the one in which the worker is performing their tasks.

211. The cross-border nature of platform work amplifies the financial and other barriers that prevent workers from making effective use of dispute resolution mechanisms that are included in standard-form contracts. The cost of arbitration, including instructing counsel in a different country, can be high and is likely to be prohibitive for many workers. [324] The absence of an interlocutor and avenues to resolve disputes prior to arbitration restrict the possibilities for achieving negotiated solutions. [325] Further, private arbitration, due to its non-public nature and not being subject to appeal, also does not contribute to a wider body of law arising from legal precedent. [326] Cross-border cases relating to platform workers located in South Africa [327] and Canada [328] illustrate some of these issues. In both cases, the platform contracts provided that disputes were subject to arbitration in the Netherlands, despite the work having been performed in South Africa and Canada. [329]

212. When it comes to the use of algorithms and ratings systems to assess a worker's performance, such systems can result in workers being rewarded, or result in having their access to a platform modified, downgraded or deactivated without human oversight. [330] The right to be notified of such

[321] For more information on the classification of labour disputes, see: ILO, *Labour Dispute Systems: Guidelines for Improved Performance,* 2013, 18.

[322] Urwana Coiquaud and Isabelle Martin, "Access to Justice for Gig Workers: Contrasting Answers from Canadian and American Courts", *Relations Industrielles/Industrial Relations* 75, No. 3 (2020): 582–593.

[323] See Art. 10 of the Universal Declaration of Human Rights and Art. 6 of the European Convention on Human Rights.

[324] Coiquaud and Martin.

[325] The ILO guidance on labour dispute management systems emphasizes that effective dispute prevention should be sought in the first instance, including facilitating: communication between the parties; worker participation in decisions that affect them; social dialogue; and adequate systems for state-based compliance and enforcement. See ILO, *Labour Dispute Systems*.

[326] ILO, *World Employment and Social Outlook 2021*.

[327] South Africa, Cape Town Labour Court, *Uber South Africa Technology Services (Pty) Ltd v. National Union of Public Services and Allied Workers (NUPSAW) and others*, Case No. C449/17, 12 January 2018.

[328] Supreme Court of Canada, *Uber Technologies Inc. v. Heller*, Case No. 38534, 26 June 2020.

[329] In the South Africa case, the Labour Court in Cape Town ruled that the matter must be dealt with in the Netherlands and gave full effect to the corporate structure of the company concerned with separate entities in South Africa and the parent company in the Netherlands. By contrast, the Ontario Court of Appeal (Canada) considered that the arbitration clause was unconscionable and invalid due to, among other things, an overwhelming imbalance in bargaining power.

[330] Wood.

a decision, including written reasons, and the right to have an opportunity to respond to such decisions are largely absent from service agreements. This gives rise to questions of transparency that can affect a worker's ability to substantiate legal claims when their rights and interests have been adversely affected. [331]

8.5.2. Country and regional initiatives

213. The varied nature of industrial relations systems in which workers on platforms operate leads to differences in how workers raise individual and collective interest- and rights-based disputes across regions, with legal action constituting a predominant channel only in North America, Europe and Central Asia. [332]

214. Regulatory approaches also vary between countries, with some placing emphasis on transparency to support dispute prevention, while others provide mechanisms to challenge decisions. In Malta, workers are entitled to receive an explanation for an automated decision affecting their working conditions as well as being entitled to access to a contact person to discuss any such decisions that have been made. Workers are also entitled to written reasons for a decision and the right to request a review of any decision. [333] In Chile, the law provides that an official channel must be established for independent workers to challenge issues related to remuneration, their work records and customer ratings. Further, this complaints channel must have a physical location and a telephone number, and a representative of the company must be present and able to be contacted. [334] In Kenya, platform operators are obliged, as part of the licensing requirements of the authorities, to provide information about their procedures for handling complaints from drivers, vehicle owners or passengers. [335] In some cases, such as in the US State of Washington and the City of Seattle, complaints procedures appear to apply only to workers deactivated from the platform concerned. [336] With respect to reporting, platform legislation in the Canadian Province of Ontario will provide, when it comes into force, that a person alleging the law has been contravened may file a complaint with the Ministry. [337] In Malta, the law prohibits victimization of a worker for making a complaint against a digital platform and affirms the right of official representatives or other legal entities to take judicial proceedings to enforce rights under protected under the law. [338]

215. To date the cross-border dimension of disputes is rarely referred to in platform-related legislation. In Ontario, Canada, disputes between an operator and a worker would be resolved in Ontario and contracting out would be prohibited. The EU Proposal for a Directive on Improving Working Conditions in Platform Work also refers to the cross-border dimension of platform work. In this case, the proposed directive would establish "mandatory rules that apply to all digital labour platforms, irrespective of their place of establishment and irrespective of the law otherwise applicable, provided that the platform work organised through that digital labour platform is

[331] Adams-Prassl et al.

[332] Ioulia Bessa et al., *A Global Analysis of Worker Protest in Digital Labour Platforms*, ILO Working Paper No. 70, 2022, 19.

[333] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, Regulation 19.

[334] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

[335] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022.

[336] United States, City of Seattle, Ordinance Establishing Labour Standards on Deactivation Protections for App-based Workers Working in Seattle, 2023; and Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[337] Canada, Ontario, Digital Platform Workers' Rights Act of 11 April 2022, sections 5 and 12.

[338] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

performed in the [European] Union". Proposed legislation in Uruguay that would apply to platforms in passenger transportation and delivery services regardless of the classification of the employment relationship provides that disputes between platforms and workers must be heard in Uruguay's courts. [339]

Box 5. Platform-led initiative on dispute resolution for crowdwork

In **Germany**, in 2017, eight crowdworking companies with support from the German Crowdsourcing Association (Deutscher Crowdsourcing Verband), signed a joint Code of Conduct setting out principles for crowdsourcing and crowdworking. In addition, a bilateral Ombuds Office was established that enables workers with a complaint against a platform that has signed the Crowdsourcing Code of Conduct to submit a complaint. Complaints are considered by a chairperson and representatives of the Crowdsourcing Association, a representative of the platforms that have signed the Crowdsourcing Code of Conduct, a representative of the platform worker and a trade union representative.

Source: Code of Conduct: Principles for Paid Crowdsourcing/Crowdworking, 2017.

216. Finally, the EU Proposal for a Directive on Improving Working Conditions in Platform Work contains a requirement that Member States shall ensure workers' access to effective and impartial dispute resolution and appropriate and adequate compensation in the case of infringements of their rights. [340] The Proposal also contains provisions relating to evidence, communication channels for workers, protections against adverse treatment or consequences, and certain protections from dismissal or termination of contract. [341] It specifically recognizes the rights of representatives of platform workers to engage in judicial and administrative procedures. [342]

217. The preceding section identifies important challenges related to the resolution of disputes, including ensuring avenues to find negotiated solutions through an accessible interlocutor, particularly in cases where contracts include overseas arbitration. While some countries regulate particular aspects of dispute resolution, there is no common approach. Some have provisions that support the transparency of decision-making, and in a small number of cases more formal complaints mechanisms have been established. While cross-border issues are a feature of disputes in the platform economy, to date there are very few examples of regulations that directly address the question of jurisdiction.

[339] Uruguay, Draft law presented on 29 September 2022 on the Protection of Work Carried out through Digital Platforms, art. 10.

[340] Council of the European Union, Proposal for a Directive of the European Parliament and of the Council on Improving Working Conditions in Platform Work – General Approach, 7 June 2023, Art. 13.

[341] Council of the European Union, Arts 14–18.

[342] Council of the European Union, Art. 14(1).

Chapter 9

Social security

9.1. Context

218. Studies indicate significant gaps in social security coverage for workers on platforms. [343] A 2021 survey [344] revealed significant gaps in health insurance, unemployment insurance, pension coverage, and employment injury insurance for respondents working on online platforms and on platforms in the sectors of passenger transportation and delivery.

219. The low level of coverage is due to a range of factors. Often classified as self-employed, [345] these workers, in many countries, face reduced coverage compared to employees, sometimes benefiting from only partial coverage and often on a voluntary basis. Even when classified as employees, the prevalent task-based payment model [346] poses challenges in ensuring an adequate level of protection and determining the applicable contribution base. The potential invisibility of some platform work to public authorities, associated with undeclared and informal work, further hampers social security coverage.

220. Notable distinctions exist between those relying on platform work as their primary labour income source and those using it to supplement other earnings. Studies indicate lower social protection for the former. [347] Even if covered through their main primary non-platform job, issues arise if neither they nor the platform make contributions in respect of their platform-related activities, posing concerns about the equity and sustainability of social security systems and fair competition between companies.

221. When workers are classified as self-employed and platforms are exempt from contributing to social security, workers bear the entire burden of paying these contributions, or responsibility of financing the system is shifted to taxpayers or other contributors, posing equity issues and potentially undermining the financial sustainability of social security systems [348]. In addition, the potential absence of social insurance coverage for some workers might place additional pressure on tax-funded schemes.

9.2. Country and regional initiatives

222. Various legislative and policy approaches have been adopted. One way for workers on platforms to access social security stems from the existence of an employment relationship. While limited in number, there are platforms that provide all their workers with employment contracts. [349]

[343] ILO, International Social Security Association (ISSA) and OECD, *Providing Adequate and Sustainable Social Protection for Workers in the Gig and Platform Economy*, 2023.

[344] ILO, *World Employment and Social Outlook 2021*.

[345] ILO, ISSA and OECD.

[346] Felix Sieker, "Platform Work and Access to Social Protection across Major European Countries", *Journal of International and Comparative Social Policy* 38, No. 3 (2022): 193–207.

[347] Janine Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*, (ILO, 2018).

[348] Christina Behrendt, Quynh Anh Nguyen and Uma Rani, "Social Protection Systems and the Future of Work: Ensuring Social Security for Digital Platform Workers", *International Social Security Review* 72, No. 3 (2019): 17–41.

[349] Fairwork, *Fairwork Austria Ratings 2022: Labour Standards in the Platform Economy*, 2022.

Despite the categorization of workers as self-employed by many platforms, some countries such as Portugal [350] and Croatia, [351] have opted for the establishment in law of the presumption of an employment relationship under certain conditions, as described in Chapter 4.

223. In countries with a third employment category, such as "dependent self-employment", platforms are obligated to assume certain responsibilities when platform workers fall under this third category. The extent of this responsibility varies. For example, Italy extends full protections to a category of workers – organizationally dependent self-employed workers – whose work is organized by another party called *etero-organizzatione*, in practice extending protection to platform workers. [352] In Portugal, a business that benefits from more than 50 per cent of the total value of the self-employed individual's activity is deemed a contracting entity responsible for social security contributions. [353]

224. A number of countries have expressly extended certain social security protections to platform workers. In Chile, the Government adopted amendments to the Labour Code [354] defining rights for two categories of workers: "employee" and "independent". The amended Labour Code specifically establishes that the contract for independent digital platform workers provides for additional social security guarantees, including coverage for health, old age, family responsibilities, work accidents and occupational diseases, disability and survivors' benefits, as well as accompaniment of minors affected by serious health conditions, [355] while not establishing the responsibility of the platform to contribute.

225. In France, the scope of provisions on contributions and protection against certain contingencies were extended to platform workers without, however, formally recognizing their status as employees. [356] A platform is now obliged to pay any industrial accident insurance contributions that a worker may have been paying.[357] Furthermore, legislation enacted in 2019 [358] provides that platforms may provide for additional social protection guarantees through the voluntary adoption of social charters. [359]

226. In China, the Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment – which, as described above, establish a third category of employment relationship – refers to strengthening occupational injury protections and requiring the concerned platforms to contribute to a new public occupational injury insurance pilot scheme, while at the same time encouraging platform companies to improve social protection for workers through the provision of commercial insurance against personal accident and employer liability. [360]

[350] Portugal, Labour Code as amended by Law No. 13/2023 of 3 April 2023, art. 12.º-A.

[351] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221m.

[352] Italy, Legislative Decree 15 June 2015 n. 81, art. 2(1).

[353] Portugal, Decree-Law No. 2/2018 of 9 January (Decreto-Lei n.º 2/2018).

[354] Chile, Law No. 21.431 of 8 March 2022 of 8 March 2022.

[355] Chile, Law No. 21.431 of 8 March 2022, art. 152 *quater* Y.

[356] France,Labour Code as amended by Law No. 2016-1088 of 8 August 2016.

[357] France, Labour Code as amended by Law No. 2016-1088 of 8 August 2016, art. L7342-2.

[358] France, Labour Code as amended by Law No. 2019-1428 of 24 December 2019.

[359] France, Labour Code as amended by Law No. 2019-1428 of 24 December 2019, art. L7342-9.

[360] China, MOHRSS et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

227. In the Republic of Korea, mandatory coverage for unemployment and maternity insurance were extended in 2022 to delivery workers and "designated drivers" working on platforms. In 2023, employment injury insurance was also extended to these two occupations, as well as to truck drivers working on platforms. In both insurance schemes, the costs are shared between workers and the platforms, with the platforms having the responsibility of sharing information on earnings with the authorities, withholding the workers' contribution and submitting the contributions from both parties.

228. In India, the Code on Social Security approved in 2020 regulates social security for platform and gig workers and provides for insurance in the event of accident, death, incapacity or retirement, as well as health and maternity benefits financed by workers' contributions and a levy on platforms' turnover (section 114). More recently, the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, passed in July 2023 and applying to the Indian State of Rajasthan, established a welfare board with the aim of providing a separate social security fund for platform-based gig workers.

229. Amendments to the law in Italy extended a set of rights to workers on platforms that are classified as self-employed, including compulsory insurance coverage against occupational accidents and diseases, with the costs to be borne by the platforms. [361] In Belgium, the law establishes that it is the responsibility of the platform to provide employment injury insurance, including in relation to platform workers considered to be self-employed. [362]

230. In the US State of Washington, platform workers are considered self-employed, but platform companies are required to pay each driver on its platform earned paid sick leave that is accrued at a rate of one hour for every 40 hours of passenger platform time worked. [363] Legislation in Malta also regulates sick leave for platform workers on full pay subject to conditions. [364] In Malaysia, under mandatory provisions in the Self-Employment Social Security Act [365] that apply to workers in the passenger transportation sector, including on platforms, licencing by the Ministry of Transport is conditional on the demonstration of conformity with social security requirements.

231. Other efforts have been made to improve access to social security through simplified procedures. Estonia, Indonesia, Malaysia, Singapore [366] and Uruguay have developed automated contribution mechanisms through the connection between social security and other agencies. [367] In France, workers can authorize the platform to transfer payments on their behalf.

232. There are also cases in which the social protection status of platform workers is the outcome of collective agreements, such as in Denmark and Norway. In Norway, Foodora, which had already recognized its couriers as employees, concluded a collective agreement providing for early retirement pensions. [368] In Denmark, the collective agreement signed with Hilfr allows workers to

[361] Italy, Decree Law No. 101 of 3 September 2019, art. 47-*septies*.

[362] Belgium, Law of 3 October 2022 Establishing Various Provisions Relating to Work, art. 19.

[363] United States, Washington State, Revised Code of Washington (RCW) as amended by House Bill 2076 Concerning Rights and Obligations of Transportation Network Company Drivers and Transportation Network Companies of 7 March 2022.

[364] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022.

[365] Malaysia, Pertubuhan Keselamatan Sosial (Social Security Organisation) (PERKESO), "Self-Employed".

[366] Proposals of an Advisory Committee on Platform Workers have been accepted by the Government. See: Singapore, Ministry of Manpower, "Government Accepts Recommendations by the Advisory Committee on Platform Workers to Strengthen Protections for Platform Workers", press release, 23 November 2022.

[367] ISSA, "Platform Workers and Social Security: Recent Developments in the Americas", *ISSA Analysis Blog*, 25 August 2023.

[368] Norway, Tariffavtale for distribusjon og budtjenester I Foodora Tariffoppgjøret (Collective agreement for distribution and courier services in Foodora Tariff settlement), 2022.

choose whether to be recognized as employees or as self-employed workers, with the former having access to different social security schemes, providing, for example, sickness benefits and pension plans.[369] In Germany, a platform-led initiative by the crowdsourcing platform "content.de" contributes a percentage of its creative writer's earnings from the platform and contributes the funds directly to a social security fund.[370]

233. As many workers on platforms are classified as self-employed, the improvements in the social security protections of self-employed workers in countries such as Argentina, Brazil, Cabo Verde, Jordan, Kenya, Mexico, and the Philippines[371] have also contributed to enhancing the social security coverage of workers on platforms.

234. Measures taken by countries demonstrate an increasing consciousness of platform workers' lack of protection and the efforts made to find solutions to extend coverage. A particular focus on location-based workers in the transportation of passengers and delivery sectors can be observed, with limited interventions focusing on wider location-based platform workers, such as domestic and care workers, as well as online workers. Similarly, in terms of benefit packages, employment injury insurance – the cost of which is traditionally born by the employer – has often been prioritized.

235. Challenges persist, with significant gaps in coverage, comprehensiveness and adequacy. While most countries aim to integrate platform workers into existing social security schemes, others tend to allow reliance on separate parallel mechanisms sitting outside of solidarity-based ones, such as commercial insurance, which risks leading to fragmentation of the social security system and goes against the principle of universality of protection, based on social solidarity, and that of solidarity in financing.

[369] Denmark, Collective Agreement between Hilfr ApS. CBR.no.: 37297267 and 3F Private Service, Hotel and Restaurant.

[370] Colin C. Williams, *Review of Country Practices on Using the Traceability of Jobs and Activities on Digital Platforms to Support Formalization*, forthcoming.

[371] ILO, *Extending Social Security to Self-Employed Workers*, ILO Social Protection Spotlight Brief, March 2021.

Chapter 10

Representation and social dialogue

10.1. Context

236. Platform work gives rise to isolated or geographically dispersed workforces in different locations, including individuals working in private vehicles and private dwellings, and also includes an online dimension. This creates difficulties in relation to "generating collective consciousness" [372]. Organizing challenges are considered more acute for online workers (who often span countries and continents) compared to location-based workers. [373]

237. These difficulties affect the ability of platform workers to easily join or form trade unions to represent their interests and bargain collectively for improved working conditions and terms of employment. In addition, in some jurisdictions, access to collective bargaining for independent workers is considered to be in conflict with competition laws. If these workers negotiate together over their terms and conditions of work, such behaviour among "undertakings" is considered "price fixing" to the detriment of consumers. [374]

238. The absence of clearly identified and representative partners in the platform economy to engage in bipartite and tripartite social dialogue extends to cases where the platform denies it is an employer, or where workers or employers are unable to form or join organizations of their own choosing. Despite these challenges, workers' organizations, collective bargaining and other forms of social dialogue and collective action are emerging.

10.2. Country and regional initiatives

Representation

239. In some countries, workers share information using a variety of methods, including informal groups using social media for the purpose of advocating for the improvement of working conditions. [375] This has also supported the growth of independent platform workers' organizations, such as the:

- Kenya Digital Taxi Association; [376]
- Sindicato de Empresa CornerShop in Chile; [377]

[372] Felix Hadwiger, *Realizing the Opportunities of the Platform Economy through Freedom of Association and Collective Bargaining*, ILO Working Paper No. 80, 2022.

[373] ILO, *World Employment and Social Outlook 2021*.

[374] Hannah Johnston and Chris Land-Kazlauskas, *Organizing On-Demand: Representation, Voice, and Collective Bargaining in the Gig Economy*, Conditions of Work and Employment Series No. 94 (ILO, 2019).

[375] Hadwiger.

[376] Kenya, "Kenya Digital Taxi Association", Facebook.

[377] Chile, "Sindicato Cornershop" (Cornershop Union), Facebook.

- Amalgamated Union of App-Based Transporters of Nigeria (AUATON) [378] in Nigeria for flatbed drivers; [379]
- Kagulong for delivery drivers in the Philippines; [380]
- National Private Hire Vehicles Association (NPHVA) in Singapore; [381]
- Uber Eats Union representing 18 Uber Eats delivery partners in Japan; and
- Delivery Platform Union in the Republic of Korea. [382]

240. According to research, organizing by platform workers beyond social media has primarily occurred in the passenger transport and delivery sectors. [383] There are also examples of the creation of specific representative bodies, such as in Austria, where the Transport and Service Workers' Union has created a works council to represent the workers of a delivery platform. [384]

241. Existing trade unions have extended their reach to represent platform workers in a number of jurisdictions, including, for example:

- CGIL (Italian General Confederation of Labour), CISL (Italian Confederation of Workers' Trade Unions) and UIL (Italian Union of Transport Workers) in Italy;
- CCOO (Confederación Sindical de Comisiones Obreras) and UGT (Unión General de Trabajadores) in Spain; and
- IG Metall in Germany.

242. Existing trade unions are also supporting newly established unions of platform workers by:

- providing technical advice regarding organizing and extending membership as well as framing demands and strategies;
- representing them in dispute resolution processes; and
- facilitating their access to social dialogue institutions. [385]

243. Platforms have taken various approaches to representing their interests including platform-specific business associations, such as the German Deutscher Crowdsourcing Verband, [386] the Spanish Adigital [387] and the French Association des Plateformes des indépendants (API). [388] In some cases, platforms have affiliated with national business associations, as in the case of a transport platform's affiliation with the IT Association of Slovakia. [389]

[378] Ejke Kanife, "After 7 Years of Struggle, Uber, Bolt Drivers Get Government-approved Union in Nigeria, First in Africa", *Technext*, 27 January 2023.

[379] Chiemeka Ohajionu and Kolajo Onasoga, "The Impact of Unionisation of App-based Transport Workers in Nigeria", *Business Day*, 19 May 2023.

[380] Philippines, Kagulong, "Kapatiran sa Dalawang Gulong – Kagulong" (Brotherhood on Two Wheels), Facebook.

[381] Singapore, National Private Hire Vehicles Association (NPHVA), "About Us".

[382] M.H. Lee, "Delivery Platform Workers Forms Labor Union", *The Korea Bizwire*, 19 January 2022.

[383] Hadwiger.

[384] Vida (Transport and Service Workers' Union), "Betriebsrat für Fahrradzustelldienst foodora", press release, 12 April 2017.

[385] Hadwiger.

[386] Eurofound, "Deutscher Crowdsourcing Verband (DCV) (German Crowdsourcing Association)", Eurofound Platform Economy database, accessed 25 October 2023.

[387] Adigital, "Quiénes somos".

[388] API, "Une association unique des plateformes d'indépendants pour renforcer leur impact positif sur la société".

[389] IOE, *IOE Policy Paper on Industrial Relations and Independent Contractors*, 2019.

Tripartite dialogue

244. The development of legislation on platforms has sometimes been defined through intensive tripartite social dialogue. In Spain, following a Supreme Court ruling in September 2020, a social dialogue roundtable was established in 2021, which included representatives from the Ministry of Labour and Social Economy, Spain's most representative trade unions at the state level (CCOO and UGT), and employers' organizations (Confederación Española de Organizaciones Empresariales and Confederación Española de la Pequeña y Mediana Empresa). In May 2021, the parties reached an agreement providing the groundwork for the so-called "Riders' Law" (law on delivery riders), approved in August 2021. [390]

245. In Brazil, the Government established a tripartite working group to make proposals on regulating passenger transportation, delivery and other activities performed through platforms. [391] In the Republic of Korea, the Government's Economic, Social and Labour Council established a committee between 2018 and 2020 focusing on digital platform work and announced tripartite agreements on three occasions. [392]

Box 6. Tripartite working group on representation in Singapore

In 2021, in **Singapore**, the Government established an Advisory Committee on Platform Workers to consider strengthening protections in specific areas for delivery workers, private-hire car drivers and taxi drivers who use online platforms (who were not employees of companies operating platforms). It recommended that platform workers have the right to be formally represented through a representation framework. The Government subsequently convened a Tripartite Workgroup on Representation for Platform Workers to, among other things, "propose a framework for a representative body to seek mandate to represent Platform Workers collectively". The Committee made recommendations covering the process to obtain a mandate, the scope of negotiations and formalizing negotiated agreements, and how disputes would be resolved.

Source: Singapore, Ministry of Manpower, National Trades Union Congress (NTUC) and Singapore National Employers Federation (SNEF), *Enhancing Representation for Platform Workers: Tripartite Workgroup on Representation for Platform Workers Report*, 2023.

Collective bargaining and bipartite dialogue

246. In France, the Government has taken action to support social dialogue by establishing an authority for social relations of employment platforms, which is described in box 7 below.

Box 7. France – Establishment of the Authority for Social Relations of Employment Platforms (ARPE)

In 2021, in **France**, the French Government established the ARPE [1], an administrative body with a range of functions, including:

- ensuring the representativeness of workers using platforms;
- supporting the establishment and development of social dialogue;
- guaranteeing and preserving the rights of worker representatives; and
- promoting social dialogue through the production of studies and statistical reports.

[390] The Global Deal, *Collective Bargaining in the Platform Economy: The Impact of Spain's "Riders' Law"*, 2023.

[391] Brazil, Decree No. 11.513 of 1 May 2023.

[392] Kim Jong-jin, *Digital Platform Work in South Korea* (Friedrich-Ebert-Stiftung, 2021).

The ARPE plays a supporting and mediation role between representatives of workers and platforms. [1] In 2022, a decree [2] established the criteria to be used to determine the representativeness of an organization of platform workers and the requirements relating to the subject matter that must be covered by annual negotiations, as well as more detailed provisions concerning the ARPE's role in mediating disputes relating to social dialogue. In January 2023, two collective agreements regulating the minimum payment per trip were signed between the representative organizations for the sector of chauffeured transport cars and the representative organizations of platforms in that sector. Subsequently, in September 2023, a collective agreement was signed between the parties relating to the transparency of platform operations and the conditions for suspension and deactivation of services. [3]

[1] Law No. 2021-484 of 21 April 2021 the Authority for Social Relations of Labour Platforms. [2] Law No. 2022-492 of 6 April 2022. [3] Accord du 19 septembre 2023 relatif à la transparence du fonctionnement des centrales de réservation de VTC et aux conditions de suspension et résiliation des services de mise en relation.

247. There are also instances of collective bargaining, primarily in relation to location-based platform workers, as showcased in box 8 below.

Box 8. Examples of collective agreements

In **Italy**, a collective agreement between Just Eat and CGIL, CISL and UIL extends protections available to workers in the transport and logistics sector to Just Eat riders to include: a fair wage, labour rights, social protection, and health and safety protections. [1]

In **Austria**, a collective agreement for bicycle delivery drivers was concluded between the Vida trade union and the Professional Association of the Freight Transport Industry. This agreement regulates the number of weekly working hours, the distribution of hours, and the breaks to be taken during and between working days. In addition, the agreement provides for the determination of the minimum hourly, weekly and monthly wages. It also includes compensation for the personal property used by workers to conduct platform work. [2]

In **Norway**, a collective agreement for delivery and courier workers was signed in 2022 between Foodora and the United Federation of Trade Unions, and includes provisions relating to working time, wages, hours, work on public holidays and compensation for expenses (such as, laundry or the purchase of safety glasses). [3]

In **Chile**, a collective agreement signed in 2018 between the CornerShop Company Union and Delivery Technologies SpA regulates the working conditions of "shoppers" and obliges the platform to pay them "an allowance to support the cost of a data plan for the use of their smartphones as work tools". [4]

[1] Accordo integrativo aziendale tra Takeaway.com Express Italy e FILT CGIL, FIT-CISL, e UIL Trasporti. [2] Kollektivvertrag für Fahrradboten Gültig ab 1.1.2023. [3] Tariffavtale for distribusjon og budtjenester i Foodora Tariffoppgjøret 2022. [4] Felix Hadwiger, *Realizing the Opportunities of the Platform Economy through Freedom of Association and Collective Bargaining*, ILO Working Paper No. 80, 2022. The negotiation of a new collective bargaining agreement has just begun, but this time the counterpart of the CornerShop Union will be Uber, the company acquiring CornerShop.

248. In some circumstances, the courts have ruled collective agreements null and void because of their being in conflict with competition law. In Denmark, a collective agreement signed between Hilfr Aps and the union 3F [393] in 2018 initially included self-employed platform workers, but was declared anti-competitive by the Danish Competition and Consumer Authority. [394] The representativeness of the actors engaged in collective bargaining has also given rise to the cancellation of a collective agreement. In Italy, the business association AssoDelivery and the

[393] Denmark, Collective Agreement between Hilfr ApS. CBR. No.: 37297267 and 3F Private Service, Hotel and Restaurant.

[394] Denmark, Danish Competition and Consumer Authority, "Commitment Decision on the Use of a Minimum Hourly Fee", press release, 26 August 2020.

General Labour Union signed in 2020 a collective agreement [395] for self-employed platform delivery workers, but the courts declared it null and void because of the lack of representativeness of the signatory union [396].

249. In Japan, the Tokyo Labor Relations Commission issued a decision in 2022 concerning a case filed against Uber by the Uber Eats Union after the platform declined to bargain collectively on the grounds that the delivery partners were not workers under labour law. [397] The Commission confirmed that the workers were covered by labour law and entitled to bargain collectively.

250. The heterogeneity of platform work illustrates that there is no "one-size-fits-all" approach to social dialogue and organizing. Some of the challenges faced by platform workers relating to representation and the exercise of the right to collective bargaining are being overcome through new ways of organizing, including the use of social media to connect with other workers. In a number of cases, the conclusion of collective agreements between platforms and trade unions have been successful, but competition laws can also have an impact on such agreements, sometimes even leading to existing agreements being declared null and void. Platforms are also establishing their own business associations to represent their interests or joining employer associations.

[395] Italy, National Collective Agreement for the Discipline of the Activity of Delivery of Goods on Behalf of Third Parties Carried out by Self-employed Workers, So-called Riders of 2020.

[396] Italy, Labour Court of Bologna, 30 June 2021.

[397] Japan, Labour Union Act, Act No. 174 of 1949.

Chapter 11

Access to information

11.1. Context

251. Section 6.3 above discusses how transparent disclosure provisions can reduce the possibility of discrimination, and sections 8.3 and 8.5 highlight the consequences of a lack of transparency in contractual relationships that emerge when disputes arise or contracts are terminated. This section looks more widely at the nature of information made available to workers from the inception of a contract, including determining the identity of the other contracting party, as well as aspects of terms and conditions of work, particularly in relation to the role of algorithms in monitoring and supervising work.

252. Algorithms give rise to a number of transparency questions in relation to:

- the fair allocation of work and the possibility of discriminatory biases; [398]
- the quantity and timing of work made available to workers;
- the calculation of remuneration;
- the rating of the workers;
- the sanctions applied to workers; and
- the deactivation of workers from a platform.

253. A common theme is a lack of disclosure about the nature of data collected by algorithms and what this information is used for, which has also been identified as a barrier to workers exercising agency over their work. [399]

11.2. Country and regional initiatives

254. With respect to algorithms, in Malta, workers are entitled to receive an explanation for an automated decision affecting their conditions. [400] In China, platform workers have a right to consultation on platform algorithms, in which both workers and worker representatives will be heard and informed about the results of algorithmic decisions. [401] Spanish law regulating algorithmic transparency (including the companies behind platforms) [402] provides that companies must inform workers' representatives of "the parameters, rules and instructions on which algorithms or artificial intelligence systems are based" whenever an algorithm affects working

[398] Laura Schulze et al., "Algorithmic Unfairness on Digital Labor Platforms: How Algorithmic Management Practices Disadvantage Workers", in *ICIS 2022 Proceedings, 2022.*

[399] Sangeet Paul Choudary, *The Architecture of Digital Labour Platforms: Policy Recommendations on Platform Design for Worker Well-being*, ILO Future of Work Research Paper No. 3, 2018.

[400] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, Regulation 19.

[401] China, MOHRSS et al., Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment, July 2021.

[402] Spain, Royal Decree Law No. 9/2021 of 11 May 2021.

conditions or access to and maintenance of employment. [403] In Croatia, employment contracts must include a contact person authorized to supervise an automated management system. [404]

Box 9. Measures relating to algorithmic transparency and trade union confidentiality in Just Eat Spain's collective agreement

In **Spain**, the collective agreement between the trade union confederations CCOO and UGT and Just Eat, Spain provides that all "relevant information used by the algorithm and/or artificial intelligence systems" to organize work – including the type of work contract, the number of hours worked and rest days taken – must be provided to the workers' representatives. It also stipulates that the platform must not use certain data in its algorithm that may lead to the violation of fundamental rights.

The collective agreement also creates an "algorithm committee". This committee is composed of two people representing the Just Eat platform and two representing the relevant trade unions. In addition to receiving the information prescribed in the collective agreement, the workers' representatives may request that the person responsible for supervising the algorithm and/or the artificial intelligence system appear before the committee.

Finally, the agreement places parameters on the scope of information provided to workers' representatives. The platform is not required to provide information with respect to the algorithm and/or artificial intelligence system "that has the protection afforded to it by the regulations in force", such as those arising from data protection legislation, in relation to employee data, or arising from legislation protecting trade secrets. The workers' representatives must not use the information received "for purposes other than those for which it was provided or for functions that exceed their scope of competence".

Source: María Luz Rodríguez Fernández, "Collective Bargaining and Artificial Intelligence (AI) in Spain", unpublished.

255. There appears to be a very small number of cases involving legal challenges to the use of algorithms. In the Netherlands, two judgments imposed a duty on two transport platforms to provide "useful" information to workers relating to algorithms that enables them to:

(i) know whether their rights have been respected;

(ii) have sufficient information to challenge such decisions;

(iii) know the factors that have been taken into consideration in reaching the relevant decision; and

(iv) know the weight that each of these factors have in such decisions. [405]

256. Some laws also have minimum requirements relating to what must be included in contracts, which represents an additional measure of transparency (such as in Chile, China, Croatia and the Canadian Province of Ontario). In Chile, for both employees and independent platform workers, contracts must be in clear and simple language and contain information about: the calculation of remuneration; use of personal data; maximum connection times; an official channel where the independent worker can present objections or claims relating to payment; and grounds for termination of a contract. [406] In Malta, if a person is deemed to be in an employment relationship,

[403] María Luz Rodríguez Fernández, "La participación de las personas trabajadoras en la gobernanza de la transición digital: las experiencias de la Unión Europea y de España", *Revista de Derecho Social*, No. 101 (2023): 107–140.

[404] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022.

[405] Netherlands, Amsterdam Court of Appeal, Case No. 200.295.806/01 of 4 April 2023; Amsterdam Court of Appeal, Case No. 200.295.742/01 of 4 April 2023.

[406] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

the employer must provide a letter of engagement containing information listed in the Law on Transparent and Predictable Working Conditions. [407]

257. In Croatia, employment contracts must include clauses relating to:

- the manner of assigning tasks and making decisions relating to working time and working conditions;
- undisturbed communication between workers and their representatives;
- reimbursement of depreciation costs relating to vehicles and other equipment;
- provision of accident insurance at the cost of the employer;
- the manner in which training is provided; and
- the manner in which a worker may exercise their right to information. [408]

258. In the Canadian Province of Ontario, within 24 hours of an individual being given access to an operator's digital platform, the law will require them to be provided with information about: how remuneration is calculated; pay periods; how work is assigned; whether the platform uses any performance measurement system; and if the performance measurements produce consequences for a worker and the nature of such consequences. [409] In Chile, platforms must inform drivers of service evaluation systems and their effects, including those relating to the ranking of a driver. [410]

259. In China, platforms must conclude written agreements with workers who do not fully meet the criteria of an employment relationship. [411] Written agreements should include basic information on safety, as well as information about how an agreement is modified or terminated, liability for breaches of contract, dispute resolution, and other matters.

260. Measures to promote greater transparency in platform work help to tackle discrimination and transparent dispute resolution and contract termination processes, which are referred to earlier in this report. However, countries and regions are also addressing wider transparency issues in relation to the use of algorithms and their role in the supervision of work on platforms. These interventions – to varying extents – place minimum disclosure requirements on platforms relating to how algorithms are used and what must be disclosed in contracts, independent of the nature of the contract. Rapid technological advances in the use of algorithms will continue at pace, and transparency issues are likely to grow. This is not in itself a reason to delay addressing this issue, but instead highlights the need to be responsive to change. The resulting information asymmetries arising from the use of algorithms will continue to impact workers, and currently international labour standards do not specifically address these issues.

[407] Malta, Digital Platform Delivery Wages Council Wage Regulation Order of 21 October 2022, and Legal Notice 267 of 2022 that transposed the EU Directive 2019/1152 on Transparent and Predictable Working Conditions in the European Union, which requires employers to inform workers about all of the applicable conditions in their contracts.

[408] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022.

[409] Canada, Ontario, Digital Platform Workers' Rights Act, 2022, section 7 (not yet in force).

[410] Chile, Law No. 21553 of 10 April 2023.

[411] China, MOHRSS, Guidelines on the Formation of Labour Contracts and Written Agreements for Workers in New Employment Forms, 21 February 2023. Where a labour relationship can be established, a labour contract must be concluded according to the requirements specified in the guidance.

Chapter 12

Compliance

12.1. Context

261. Work on platforms presents new challenges for traditional compliance mechanisms. [412] Labour inspection is typically focused on compliance in the context of an employment relationship, which is not always the case for workers on platforms. Many workers on online platforms operate from home, restricting the ability to conduct inspections due to privacy regulations. Moreover, work in platforms often occurs in virtual spaces and across borders, complicating authorities' efforts to ensure compliance. [413]

262. Involuntary non-compliance often results from a lack of awareness [414] or lack of clarity about legal obligations, as well as from the complexity associated with tax and social security contributions. Deliberate non-compliance also results in the form of avoidance of tax, social and other labour obligations, whether for reasons of cost associated with a particular activity, a lack of trust, or a perceived lack of benefits. In addition to limiting the protection afforded to workers, non-compliance has the potential to affect fair competition among enterprises.

263. Registration, licencing and related reporting obligations provide an important framework for some compliance activities. Information sharing and communication, particularly if coordinated with social partners, can also play an important role. Finally, trust and the accountability of institutions are central when it comes to self-regulation.

264. Platforms are unique in that they digitally record and track the identities and transactions of workers and clients. As described in Chapter 2, the traceability of activities on platforms offers an opportunity for governments to detect non-compliance, and in doing so, facilitate the formalization of informal economy workers, economic units and activities, including undeclared work in the platform economy. Technological progress, particularly the use of big data and data mining, also offers the possibility for competent authorities to identify potential situations of undeclared or informal activities, including using available data extracted from the websites of platforms, [415] and there is also the potential to cross-check information using different institutions' administrative data.

12.2. Country and regional initiatives

12.2.1. Enforcement, penalties and related oversight mechanisms

265. Inspection activities specifically targeting platform work have taken place, for instance, in Belgium, Finland, Italy, Poland, Portugal, Spain and Sweden, primarily for the purpose of detecting

[412] ILO, *ILO Approach to Strategic Compliance Planning for Labour Inspectorates*, LABADMIN/OSH Brief No. 2, December 2017.

[413] Karolien Lenaerts, Dirk Gillis and Willem Waeyaert, *Actions by Labour and Social Security Inspectorates for the Improvement of Occupational Safety and Health in Platform Work*, EU-OSHA Policy Case Study, 2022.

[414] See Chapter 2 above and European Commission, "The Use of the Collaborative Economy", European Commission Flash Eurobarometer No. 467, 2018.

[415] Colin C. Williams, *Review of Country Practices on Using the Traceability of Jobs and Activities on Digital Platforms to Support Formalization*, forthcoming.

classification problems and situations of informality. [416] In some instances, such as in Belgium, inspections are handled jointly by labour and social security inspectors using tax administration data. [417]

266. Compliance and enforcement provisions in legislation relating to platforms vary. In Ontario, Canada, where a particular law will regulate platform work when it comes into force, a Director of Digital Platform Work is empowered to administer specific platform legislation and regulations [418] and provides for the establishment of "compliance officers" with certain powers and duties, including the power to enter and inspect a place without a warrant to investigate a possible contravention of the law. [419] Such officers can issue compliance orders against a platform operator with non-compliance constituting an offence which, on prosecution and conviction, includes the imposition of penalties. In the case of platforms operating in the passenger transportation sector particularly, oversight is often shared between different agencies, as is the case in Chile [420] and Portugal. [421]

267. In most cases, the legislative instruments reviewed in this report contain penalty provisions which vary depending on the nature of the regulatory framework. In countries where there is a statutory presumption of an employment relationship, penalty provisions in the relevant labour legislation may apply. General breaches of platform-related laws attract penalties in Ontario (Canada), India and Portugal. In Ontario, Canada, the law will, when it comes into force, extend to breaches of workers' protections by platforms and additional orders may also be made to reinstate a person to a digital platform, require a platform to pay compensation to a worker, or pay compensation for any loss incurred as a result of any contravention of the law. [422] In India, the penalties for breaches of rules relating to the registration of platforms and payment of welfare benefits can be imposed by a Welfare Board established under the 2023 Act [423]. In Portugal, a range of offences are set out in the law and extend to penalties for passenger transport drivers who fail to comply with limits on working time. [424] Drivers in the delivery and transportation sectors who are not registered or who are in breach of wider standards are subject to fines in Egypt [425], Kenya, [426] Portugal [427], and Chile. [428] Platforms in these countries may also be subject to penalties for failing to supply information to the competent authorities.

[416] Williams.

[417] European Labour Authority (ELA), "Collaborative Economy: A Common Control Methodology for the Social Inspectorates", February 2022.

[418] Canada, Ontario, Digital Platform Workers' Rights Act, 2022, section 17(1).

[419] Canada, Ontario, Digital Platform Workers' Rights Act, 2022, section 22. Note that this power is subject to limits on the time of day in which inspection can take place and, in the case of private dwellings, is subject to the consent of the occupier.

[420] Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022, arts 152 *quater* Z and 152 *quinquies* E.

[421] Portugal, Under Law No. 45/2018 of 10 August 2018 this includes the: Authority for Working Conditions; Social Security Authority; National Republican Guard; Public Security Police; Tax Authority; National Data Protection Commission; and two transport agencies.

[422] Canada, Ontario, Digital Platform Workers' Rights Act, 2022, section 53(2).

[423] India, Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023.

[424] Portugal, Law No. 45/2018 of 10 August 2018.

[425] Egypt, Law No. 87 of 2018 and resolution No. 2180 of 2019.

[426] Kenya, The National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 20 June 2022.

[427] Portugal, Law No. 45/2018 of 10 August 2018.

[428] Chile, Law No. 21553 of 10 April 2023.

268. In terms of wider compliance activities, big data has also been used by labour inspectorates. In Ireland, the tax authority used advanced analytics to detect patterns of potential non-compliance, applying a similar methodology to that used by the Spanish Tax Agency. [429] In Belgium, the social security administration uses data mining technology to cross-reference information from different administrative data sources, allowing them to identify potential causes of undeclared income and evasion of social security contributions. [430]

12.2.2. Licensing and reporting obligations

269. Licensing (or registration) and reporting requirements are used by the competent authorities for a range of administrative and oversight purposes, but these also have the benefit of supporting traceability. In Kenya, in addition to requirements that platform businesses be incorporated and have a registered office in Kenya, they must also be licensed under applicable platform regulations. [431] In Chile, transportation platforms are required to register with the Ministry of Transport and Communications and must meet minimum registration requirements, including insurance requirements. [432] In Portugal, legislation regulating platforms in the passenger transportation sector mandates the disclosure of specific information related to the licensing of the operation. Furthermore, the law provides that platforms headquartered outside Portugal must appoint a representative within the national territory. [433] In Croatia, platforms are required to report on the number of workers using the platform and the types of contractual relationships under which work is being undertaken. [434] In the Republic of Korea, for the purpose of employment and employment injury insurance, the Ministry of Employment and Labour has the authority to request data on contract dates and worker information including their identification, activities and remuneration. [435] In Italy, platforms must report on the nature of the platform, the workers, and their terms and conditions (such as the contract duration, place of work, remuneration and type of contract). [436] In Thailand, legislation covering a wide range of platforms requires them to report on, among other things, the nature of the service provided, number of users and workers, revenue, complaints and resolution of complaints. [437]

270. Reporting for tax purposes is also a significant area of activity, with relevance to the wider issue of traceability. European Union Directive 2021/514/EU requires both European and non-European digital platforms (broadly defined) to report information about income from platforms if the digital platform operator is resident in an EU Member State. If the platform is not resident in the European Union, it still must report information on all platform workers using the platform who are resident in an EU Member State and perform one of the activities described in the Directive. [438] Initiatives relating to the disclosure of information for tax purposes are present in a number of jurisdictions, including Estonia, France, Germany, the Netherlands, Slovakia, the United

[429] Williams.

[430] Belgium, Service Public Fédéral, Emploi, Travail et Concertation sociale, *Plan Stratégique 2022-2024*.

[431] Kenya, National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations of 22 June 2022.

[432] Chile, Law No. 21553 of 10 April 2023.

[433] Portugal, Law No. 45/2018 of 10 August 2018.

[434] Croatia, Labour Act as amended by Law NN 151/22 of 20 December 2022, art. 221p.

[435] Republic of Korea, Industrial Accident Compensation Insurance Act, 2019, and Employment Insurance Act 2021.

[436] Italy, Ministry of Labour and Social Policies Decree No. 31 of 23 February 2023.

[437] Thailand, Royal Decree Prescribing Digital Platform Business of 6 June 2022.

[438] European Union, Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on Administrative Cooperation in the Field of Taxation.

Kingdom [439] and Uruguay [440]. The OECD Model Rules for Reporting by Digital Platform Operators XML Schema [441] also provide guidance for an information sharing system between tax authorities in OECD countries in relation to earnings from platforms. The Model Rules provide that OECD Members exchange information collected from platform operators about workers' income generated from platforms. [442] There are a small number of examples of additional measures relating to withholding tax contributions at source for transmission to the relevant authorities on behalf of platform workers. In Uruguay, transport platforms are required to withhold from each land transport service provider a specified amount each month. [443]

271. Compliance measures, including the full range of compliance efforts, and the appropriate use of sanctions remain an emergent area in the platform economy. This section has considered compliance mechanisms implemented in some countries, and ranging from registration and inspection to reporting requirements. As noted earlier, the traceability of activities on platforms offers an opportunity for governments to detect non-compliance, but also to facilitate the formalization of the informal economy. The realization of this potential to contribute to the transition of workers to the formal economy is contingent on obligations being placed on platforms to report information to the relevant competent authorities.

[439] Williams.

[440] Uruguay, Decree No. 48/017 of 20 February 2017 on the Establishment of Measures for the Formalization of the Activity of Land Passenger Transport, Contribution of VAT [Value Added Tax] and IRAE [Tax on Income from Economic Activities].

[441] OECD, *Model Rules for Reporting by Digital Platform Operators XML Schema: User Guide for tax administrations*, 2022.

[442] An example of implementation can be seen in New Zealand's Taxation (Annual Rates for 2022–23, Platform Economy, and Remedial Matters) Act 2023, taking effect from 1 January 2024.

[443] Uruguay, Decree No. 48/017 of 20 February 2017.

Chapter 13

ILO work and other international initiatives

272. Growing interest in the issue of platform work has generated an increase in the demand for evidence to inform global, regional and national policy discussions, with several international organizations engaged in this effort. This is within a context of an increasing number of legislative and policy initiatives on platform work. Against this backdrop, the Office's portfolio of initiatives in the platform economy has significantly expanded in recent years, encompassing both the production of global level research, but also the provision of technical guidance to Member States.

13.1. The ILO's contribution to global evidence

273. At the global level, the ILO is a leader in research and analysis on the different dimensions of decent work in the platform economy, with a large number of publications on the subject. Its research on the topic was initiated in 2016 with two working papers: one addressing challenges related to the labour protections of workers on platforms, [444] and the second focusing on the income security of crowdworkers. [445] In 2018, the Office published a report that analysed the working conditions of workers on microtask platforms, advancing a series of principles for improving working conditions on platforms. [446]

274. In 2021 the ILO's *World Employment and Social Outlook* focused specifically on the role of platforms in transforming the world of work. [447] It reported on surveys and interviews with 12,000 workers in 100 countries, and with 70 businesses, 16 platform companies and 14 platform worker associations, and provided a comprehensive examination of the role of platforms that provide work. Furthermore, it is important to note the Office's background report on decent work in the platform economy prepared for a Meeting of Experts on Decent Work in the Platform Economy that took place in October 2022. [448] As a follow-up, and at the request of the Governing Body at its 346th Session, the Office prepared a normative gap analysis referred to earlier in this report. [449]

275. A number of ILO publications examine specific dimensions of platform work, such as its cross-border nature, [450] employment relationships, [451] and representation and social dialogue. [452]

[444] Valerio De Stefano, *The Rise of the "Just-in-Time Workforce": On-demand Work, Crowdwork and Labour Protection in the "Gig-Economy"*, ILO Conditions of Work and Employment Series Working Paper No. 71, 2016.

[445] Janine Berg, *Income Security in the On-demand Economy: Findings and Policy Lessons from a Survey of Crowdworkers*, ILO Conditions of Work and Employment Series Working Paper No. 74, 2016.

[446] Janine Berg et al, *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*, (ILO, 2018).

[447] ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, 2021.

[448] ILO, *Decent Work in the Platform Economy*, MEDWPE/2022, 2022.

[449] ILO, *A Normative Gap Analysis on Decent Work in the Platform Economy*, GB.347/POL/1, 2023.

[450] Miriam A. Cherry, *Regulatory Options for Conflicts of Law and Jurisdictional Issues in the On-demand Economy*, Conditions of Work and Employment Series No. 106 (ILO, 2019)

[451] Valerio De Stefano et al, *Platform Work and the Employment Relationship*, ILO Working Paper No. 27, 2021.

[452] Maria Mexi, *Social Dialogue and the Governance of the Digital Platform Economy: Understanding Challenges, Shaping Opportunities*, Background paper for discussion at the ILO-AICESIS-CES Romania International Conference, Bucharest, 10–11 October 2019.

Several publications were launched on freedom of association and collective bargaining [453] and the role of cooperatives. [454] With respect to social security, the Office has contributed to research on adequate and sustainable social protection for workers on platforms, [455] as well as releasing a report on international practices in employment injury insurance. [456] Employment creation is another key area of ILO research, including exploring opportunities arising from digitalization [457] as well as specifically focusing on employment creation in relation to key groups, including youth, [458] people with disabilities [459] and refugees. [460] Research on the role of algorithms in relation to the management of work has been explored, with a strong component relating to work on platforms. [461]

276. Since 2021 the ILO has been conducting a research project concerning the impacts of recent policies and legislative frameworks in France, Spain, the United Kingdom and the United States [462] on labour markets, workers, enterprises and the platform business models. The Office is also finalizing a report on OSH in the digital economy and is working to realize a new toolkit on developing integrated strategies for labour inspection compliance through labour inspectorates in order to address employment misclassification, including misclassification related to platform work.

277. The Office has contributed technical notes for meetings of the G7 Employment Working Group in 2018 [463], the BRICS' Employment Working Group in 2020 [464], and the G20 Employment Working Group in 2021[465] as well as in 2023 on sustainable social protection as mentioned earlier. [466] It has also played a pivotal role in work related to data and statistics concerning the platform economy. In recognition of the challenges involved in measuring the number and characteristics of platform jobs, the OECD, the ILO and the European Commission launched a Joint Expert Group on Measuring Platform Work in 2019 and published guidelines for measuring platform work. [467] The ILO is also participating in an EU-task force on digital platform employment that focuses on the methodology for and operationalization of measurements to develop statistical questions to be

[453] See, for example, Hannah Johnston and Chris Land-Kazlauskas, *Organizing On-Demand: Representation, Voice, and Collective Bargaining in the Gig Economy*, Conditions of Work and Employment Series No. 94 (ILO, 2019); Felix Hadwiger, *Realizing the Opportunities of the Platform Economy through Freedom of Association and Collective Bargaining*, ILO Working Paper No. 80, 2022; Ioulia Bessa et al., *A Global Analysis of Worker Protest in Digital Labour Platforms*, ILO Working Paper No. 70, 2022; and the 2022 edition of the *International Journal of Labour Research* focused on "Trade Union Revitalization: Organizing New Forms of Work Including Platform Workers".

[454] ILO, *Platform Labour in Search of Value: A Study of Workers' Organizing Practices and Business Models in the Digital Economy*, 2021.

[455] ILO, ISSA and OECD, *Providing Adequate and Sustainable Social Protection for Workers in the Gig and Platform Economy*, 2023.

[456] ILO, *International Practices in Employment Injury Insurance for Workers in Digital Platform Employment*, 2022.

[457] Lorraine Charles, Shuting Xia and Adam P. Coutts, *Digitalization and Employment: A Review* (ILO, 2022).

[458] Niall O'Higgins and Luis Pinedo Caro, *Crowdwork for Young People: Risks and Opportunities*, ILO Working Paper No. 50, 2022.

[459] Fundación ONCE and ILO Global Business and Disability Network, *An Inclusive Digital Economy for People with Disabilities*, 2021.

[460] ILO, *Towards Decent Work for Young Refugees and Host Communities in the Digital Platform Economy in Africa*, 2021.

[461] Sara Baiocco et al, *The Algorithmic Management of Work and Its Implications in Different Contexts*, European Commission JRC Working Paper Series on Labour, Education and Technology No. 2022/02, 2022.

[462] An initial analysis has also been carried out concerning recent developments in Australia.

[463] ILO, *Decent Work in the Platform Economy*, Technical paper submitted to the G7 Employment Working Group, 2018.

[464] ILO, *The Future of Work in the Digital Economy*, Paper prepared for the Employment Working Group under the 2020 Russian presidency of the BRICS, 2020.

[465] ILO, *Digital Platforms and the World of Work in G20 countries: Status and Policy Action*, Report prepared for the Employment Working Group under Italian G20 Presidency, 2021.

[466] ILO, ISSA and OECD, *Providing Adequate and Sustainable Social Protection for Workers in the Gig and Platform Economy*, 2023.

[467] OECD, ILO and Eurostat, *Handbook on Measuring Digital Platform Employment and Work*, 2023.

implemented in all EU countries. In October 2023, the 21st International Conference of Labour Statisticians held a session on statistics in platform work and discussed a paper on digital platform work and employment. [468] The ILO is also a partner supporting the Online Labour Observatory, which includes the Online Labour Index 2020 (OLI 2020), which measures the supply and demand of online freelance labour across countries and occupations by tracking the number of projects and tasks across platforms in real time. [469]

13.2. ILO technical assistance and research supporting Member States

278. The ILO has also been actively engaged in supporting Member States in their efforts to promote decent work in the platform economy with a significant amount of work being carried out in countries and regions.

279. The ILO's work in Latin America includes initiatives in Argentina, Brazil, Chile, Colombia, Ecuador and Paraguay, as well as across the wider region. The Office launched, in collaboration with the Economic Commission for Latin America and the Caribbean (ECLAC), a regional report on the employment situation of platform workers in Latin America, which analyses the main characteristics of work on digital platforms, the impact of the pandemic on this type of work and considerations for the design of appropriate regulatory frameworks. [470] Country-specific work in Argentina includes a report on platform workers and policy recommendations, [471] a diagnostic study of delivery platforms to examine the impact of COVID-19, [472] and legal analysis of the employment relationships of workers in the sector. [473] In 2022, an ILO diagnostic study of domestic work platforms in Argentina – comprising a legal analysis, focus groups and interviews – was discussed and validated. In Chile, an analysis of the impact of the pandemic on platform work [474] was also conducted, as well as research on delivery workers in Santiago. [475] The ILO also contributed with research to the preparation of policy dialogue in Colombia, [476] Ecuador [477] and Paraguay [478] in 2021, followed by a report focusing on case studies of support and training programmes for women's inclusion in the digital economy.

280. In Asia and the Pacific, the ILO has been working on the issue of platform work in several countries including China, India, Nepal, Pakistan and Viet Nam. In China, several publications were launched, comprising multiple working papers on labour protection, [479] working conditions, [480]

[468] ILO, *Digital Platform Work and Employment*, ICLS/21/2023/Room document 12 (2023).

[469] Online Labour Observatory.

[470] ECLAC and ILO, *Employment Situation in Latin America and the Caribbean: Decent Work for Platform Workers in Latin America*, 2021.

[471] Elva López Mourelo, *Work on Delivery Platforms in Argentina: Analysis and Policy Recommendations* (ILO, 2020)

[472] Luis Beccaria et al., *Delivery Work during a Pandemic: Delivery Platform Workers in Argentina – Executive Summary* (ILO, 2020)

[473] Juan Pablo Mugnolo, Lucas Caparrós, and Martín Golcman, *Análisis jurídico sobre las relaciones de trabajo en los servicios de entrega de productos a domicilio a través de plataformas digitales en Argentina* (ILO, 2020).

[474] Alberto Coddou Mc Manus, *El trabajo en plataformas durante la pandemia por COVID-19: Los derechos fundamentales y el caso chileno* (ILO, 2021).

[475] Antonio Asenjo Cruz and Alberto Coddou Mc Manus, *Economía de plataformas y transformaciones en el mundo del trabajo: el caso de los repartidores en Santiago de Chile* (ILO, 2021).

[476] ILO, *El trabajo en las plataformas digitales de reparto en Colombia: Análisis y recomendaciones de política*, 2021.

[477] ILO, *El trabajo en las plataformas digitales de reparto y transporte en Ecuador: Diagnóstico y recomendaciones para promover el trabajo decente y la protección social*, 2022.

[478] Dionisio Borda et al., *Desafíos para el trabajo decente: El trabajo en plataformas digitales en Paraguay* (ILO, 2021).

[479] Irene Zhou, *Digital Labour Platforms and Labour Protection in China*, ILO Working Paper No. 11, 2020.

[480] Yiu Por (Vincent) Chen, *Online Digital Labour Platforms in China: Working Conditions, Policy Issues and Prospects*, ILO Working Paper No. 24, 2021.

and policy prospects and social security, [481] which complemented workshops and webinars. In Viet Nam the ILO is assisting the General Statistics Office in the development of a conceptual framework and in piloting the collection of data and production of indicators on digital platform work.

281. In Pakistan, the ILO is providing assistance to national constituents, research organizations and partners in developing evidence-based knowledge products, organizing platform workers, and developing draft legislation to expand the coverage of the policy and legislative environment on platform workers.

282. In India, the ILO is currently finalizing a report on ensuring decent working conditions in platform work in the country, which was presented and discussed at a national consultation workshop in 2023. The policy recommendations from the study were subsequently considered as part of a tripartite meeting. In Nepal, the ILO launched a pilot scheme in September 2020 to improve governance and safety in platforms working in the passenger transportation sector. [482] Training sessions were delivered at Tootle to improve OSH conditions as well as to better address sexual harassment.

283. The ILO has also been involved in the issue of platform work in Africa. Three studies were carried out with support from the Bill and Melinda Gates Foundation on the penetration of digital labour platforms across different sectors of the economies of Kenya, Nigeria and Uganda, with a particular focus on women, [483] to help inform policy development on decent jobs in these countries. The ILO in Kenya has also initiated a Community of Practice to bridge the gap between digital skills and job opportunities in the digital economy. It focuses on improving access to digital skills, jobs and livelihoods while advocating for a conducive regulatory environment, including on online labour platforms. The ILO has also partnered with Learning Lions, an NGO and digital freelance agency, to support young people (especially refugees and host community members) in accessing income opportunities in the digital economy. This includes support in onboarding young people on online labour platforms and providing specific skills training (including technical and soft skills) needed to earn a reliable income from platform work.

284. In Europe, in 2021, the ILO published research on trends and policy responses related to digital platform work in Eastern Europe. [484] A more specific study of platform work was undertaken in 2018 in Ukraine, [485] and technical support was provided to inform national dialogue on the revision of the Labour Law in Portugal. The Office also published research on freelance platform work in the Russian Federation in 2020. [486] In Türkiye, the ILO produced research with the Istanbul Metropolitan Municipality aimed at identifying the psychosocial risks associated with working in the delivery sector. [487]

285. In the Arab States, the ILO published a report on the challenges and opportunities for platform work in Jordan, with a specific focus on online workers working in translation, writing and

[481] ILO, *Assessment of Social Security Coverage of Workers in Diverse Forms of Employment and in Platform Employment in China*, 2022.

[482] ILO, "Taking the Harassment out of Ridesharing in Nepal", press release, 1 April 2021.

[483] ILO, "Understanding and Improving Women's Work on Digital Labour Platforms".

[484] Mariya Aleksynska, *Digital Work in Eastern Europe: Overview of Trends, Outcomes and Policy Responses*, ILO Working Paper No. 32, 2021.

[485] Mariya Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives* (ILO, 2018).

[486] Andrey Shevchuk and Denis Strebkov, *Freelance Platform Work in the Russian Federation: 2009–2019*, ILO Working Paper No. 38, 2021.

[487] ILO, *Focus on Motorcycle Couriers: Psychosocial Risk Analysis in Delivery Sector Employees*, 2022.

multimedia. [488] The ILO also conducted a survey in Jordan focusing on passenger transportation and delivery workers, with the results informing a deeper understanding of social security in relation to these workers.

13.3. Wider international initiatives

286. Work in the platform economy, across its many dimensions – not all of which can be listed for the purposes of this report – is a key area, receiving attention from multilateral organizations. These efforts range from mapping different categories of digital work by the World Economic Forum, [489] to exploring the opportunities and challenges for developing countries to take advantage of the data-driven economy undertaken by the United Nations Conference on Trade and Development (UNCTAD). [490] Researchers from the World Bank have also conducted detailed research to provide a comprehensive overview of the characteristics of work on online platforms. [491] The OECD has also carried out a range of work, including examining the social and economic impact of platforms, [492] the regulatory dimensions of platform work in 2020, [493] the potential of platform cooperatives[494], as well as guidance on tax reporting mentioned earlier in this report.

287. At the regional level, a number of key reports have been produced, and while not an exhaustive list, some of this work includes analyses by the Asian Development Bank, [495] the Association of Southeast Asian Nations (ASEAN), [496] the Inter-American Development Bank, [497] the Economic Commission for Latin America and the Caribbean, [498] and the Centre for Financial Regulation and Inclusion (Africa). [499] In Europe, the European Foundation for the Improvement of Living and Working Conditions (Eurofound) has undertaken an extensive range of research in addition to establishing an online resource – the Platform Economy Repository, [500] which provides information on initiatives and court cases relating to activities in the platform economy. The European Agency for Safety and Health at Work (EU–OSHA) has produced research on dimensions of occupational safety and health relating to platform work [501] and the European Commission has also published research that has built the evidence base on platform work in Europe. [502]

288. The ILO's leadership relating to decent work in the platform economy has grown rapidly at global and regional levels, and it continues to strengthen its growing global research base.

[488] ILO, *Platform Work in Jordan: Challenges and Opportunities*, 2023.

[489] World Economic Forum, *The Promise of Platform Work: Understanding the Ecosystem*, 2020.

[490] UNCTAD, *Digital Economy Report 2019: Value Creation and Capture: Implications for Developing Countries*, 2019.

[491] Namita Datta et al., *Working Without Borders: The Promise and Peril of Online Gig Work* (World Bank, 2023).

[492] OECD, *An Introduction to Online Platforms and Their Role in the Digital Transformation*, 2019.

[493] OECD, *Regulating Platform Work in the Digital Age*, OECD Going Digital Toolkit Policy Note, 2020.

[494] OECD, *Platform Cooperatives and Employment: An Alternative for Platform Work*, OECD LEED Paper Nos 2023/16, 2023.

[495] Asian Development Bank (ADB), *Asian Economic Integration Report 2021: Making Digital Platforms Work for Asia and the Pacific*, 2021.

[496] ASEAN, *ASEAN Employment Outlook: The Quest for Decent Work in Platform Economy – Issues, Opportunities and Ways Forward*, 2023.

[497] Laura Ripani et al. *The Future Of Work in Latin America and the Caribbean: What Is the Impact of Automation on Employment and Wages?* (IDB, 2020)

[498] Claudia Robles, Victoria Tenenbaum and Isabel Jacas, *Los desafíos de la protección social de los trabajadores de plataformas: Reflexiones para América Latina*, (CEPAL, 2023).

[499] Chernay Johnson et al., *Africa's digital platforms: overview of emerging trends in the market,* Insight2Impact Brief, 2020.

[500] Eurofound, "Platform Economy Repository".

[501] Karolien Lenaerts et al., *Digital Platform Work and Occupational Safety and Health: A Review* (EU–OSHA, 2021)..

[502] Maria Cesira Urzí Brancati, Annarosa Pesole and Enrique Fernández-Macías, *New Evidence on Platform Workers in Europe: Results from the Second COLLEEM Survey* (European Commission Joint Research Centre, 2020).

In addition, a significant volume of work is being carried out across Member States and regions, with important technical support being provided to Member States, much of which is supporting national policy development processes. With the growth in both legislative and non-legislative initiatives and increasing attention to decent work issues among Member States, it is expected that this work will expand significantly. Demand for more support on normative legal frameworks as well as demand for wider technical support are expected. International organizations are also playing a key role in building global and regional perspectives on wider dimensions of the platform economy and its economic and social impacts.

Chapter 14

A standard on decent work in the platform economy

14.1. The rapid emergence of the platform economy and steps towards its regulation

289. The emergence of digital platforms is contributing to a transformation of the global economic landscape by creating new business and income-generating opportunities. Characterized by innovation and diversity, the platform economy encompasses multiple types of digital platforms, operates in various sectors of the economy, and presents a variety of business models. By introducing new ways to mobilize and organize work, the growth of the platform economy is reshaping the labour landscape globally. The cross-border nature of many activities in the platform economy also has cross-cutting implications that pose new challenges for the regulation of platform work.

290. This report recalls how platform work offers flexibility and low entry barriers, benefiting groups that often encounter challenges in accessing traditional labour markets. Nevertheless, work on digital platforms also poses new challenges, particularly due to the use of algorithms to organize, supervise or evaluate work. These challenges relate to different dimensions of decent work, including the employment status of the workers, their remuneration and working time, their access to social security and occupational safety and health, their representation and access to social dialogue and the termination/deactivation and access to dispute resolution mechanisms. This includes the lack of access by workers and their representatives to information concerning how algorithms affect their working conditions, and in this respect, the extent to which the use of algorithms results in fair outcomes.

291. The rapid evolution of the platform economy has been accompanied by new legal frameworks addressing various dimensions of decent work. The scope of legislative intervention adopted by a number of ILO Member States focuses on work conducted on or through platforms that connect businesses and clients to workers. In this regard, the intermediating role of technology, by means of an application or website, serves to differentiate it from other kinds of work undertaken by individuals for digital platforms, such as management, secretariat or computer maintenance functions. In many cases, regulatory interventions focus on location-based platform work in the transport and delivery sectors. However, the growth of platforms in other sectors, including care and domestic work, as well as a growing number of online workers, cannot be overlooked, as they also share common challenges and should not be left unprotected. Some more recent legislative initiatives take a broad approach and regulate both location-based and online platforms.

14.2. Lessons from law and practice

292. A common trend observed in most legislation reviewed in this report is the extension of the scope of labour protections and social security to workers on platforms, irrespective of their employment status, through legislation and collective agreements, including, in a few cases, collective agreements between digital platforms and self-employed workers.

293. This review also found that some countries have included statutory presumptions of the existence of an employment relationship for digital platform workers. The issue of classification has been subject to a significant amount of litigation in courts. In this regard, the lack of unanimity in

approaches by courts as to how workers on platforms should be classified cannot be overlooked. Case law relating to classification questions, however, widely apply the principle of the primacy of facts, [503] rather than a strict interpretation of the contractual terms.

294. The report describes a growing number of cases where innovative methods have been developed to organize platform workers and to represent the platforms themselves, and notes the instrumental role of trade unions and employers' representatives in these processes. It also presents cases where the formulation of policy and regulatory solutions have been based on social dialogue.

295. From the review of law and practice, [504] some notable developments for consideration include measures to:

(a) provide additional guidance on the determination of the existence of an employment relationship;

(b) extend social security coverage, including, in some instances, through the contribution of platforms to the financing of social security;

(c) protect workers' OSH and define the associated responsibilities of platforms in this regard;

(d) strengthen the regulatory framework of working time by, in some cases, providing workers with a specific right to disconnect from a digital labour platform and addressing the issue of remuneration for waiting time;

(e) ensure the transparency of the parameters used to calculate remuneration and, in some instances, the way remuneration is benchmarked in proportion to existing minimum wages;

(f) establish rules relating to the deactivation or suspension of workers' accounts or work relationships;

(g) establish minimum disclosure requirements about the terms and conditions applying to workers on platforms;

(h) provide accessible and appropriate dispute resolution processes having specific regard to the characteristics and cross-border nature of platform work;

(i) clarify rights relating to the protection of workers' data and conditions relating to the use of workers' data by platforms.

296. A key cross-cutting theme is the regulation of the use of algorithms. Some regulations require greater transparency relating to the use of algorithms regarding the allocation of work assignments, the calculation and payment of remuneration and how termination or deactivation decisions are made. Measures have also been taken to prohibit discrimination arising from the use of algorithms. Some countries have also established additional safeguards to require human oversight of decisions arising from the use of algorithms, as well as ensuring provision of information to and consultation with workers' representatives in this area.

[503] This is in line with Paragraph 9 of the Employment Relationship Recommendation, 2006 (No. 198), that provides that the determination of the employment relationships should be guided primarily by the facts relating to the performance of work and the remuneration of the workers, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties.

[504] As mentioned earlier in the document, the term "legislation" is used in a broad sense to include statutes, regulations, codes of practice and other legislative instruments. It also refers to collective bargaining agreements and court decisions of relevance to this topic.

297. Finally, this report has also shown how some countries have taken measures to improve compliance with existing legislation, which in turn can support the formalization of jobs and activities and promote fair competition with the traceability of digital activities potentially providing an important advantage in this area. Registration and licensing of platforms as well as minimum reporting requirements can play a key role in this, as reflected in the legislation of some countries.

14.3. Why is a standard required?

298. The normative gap analysis on decent work in the platform economy conducted by the Office, and presented at the Governing Body in March 2023, indicated the extent to which gaps exist in the existing international labour standards. Chapter 3 of this report considered gaps in the personal scope of application of existing international labour standards and thematic gaps arising because some characteristics of work on platforms are not fully addressed in existing standards. In terms of the personal scope of application, gaps were identified regarding the applicability of some standards to self-employed workers, who constitute a large share of digital platform workers as classified contractually. Several thematic gaps were also identified, including those relating to the impact of algorithms on working conditions and the cross-border nature of some platform work. Normative action is thus required to close the gaps in existing international labour standards and to ensure decent work in the platform economy.

299. It can also be seen from the emergence of new legislation that national legal frameworks are evolving quickly. In addition, several Member States currently have draft legislation before their national legislatures. This adds to the increasing demand for ILO technical support and underscores the importance of having a dedicated standard that can inform and guide national initiatives.

300. The Office considers that the new instrument(s) should seek to recall that international labour standards apply to all workers, including digital platform workers, unless otherwise provided, while underlining that the specificities of work on or through platforms require that these existing standards be supplemented by standards specific to digital platform workers.

301. The Office considers that the new instrument(s) should also:

(a) recognize that online and location-based platforms share commonalities that are suited to a common set of principles in an instrument;

(b) cover workers, irrespective of their employment status, but acknowledge the possible existence of different pathways for workers with different employment statuses to realize their rights;

(c) acknowledge that digital platforms have an important role to play in ensuring decent work for platform workers, regardless of their status as an employer or as a contracting entity outside of an employment relationship;

(d) provide a clear framework for addressing new and specific challenges to decent work in the platform economy, particularly in relation to the use of technologies impacting on working conditions, such as the use of algorithms to organize, supervise or evaluate work on platforms;

(e) address the suspension or termination of work relationships and the deactivation of accounts, as well as the protection of workers' personal data;

(f) address the specific issues arising in relation to the cross-border nature of platform work, including the cross-border nature of disputes;

(g) provide some flexibility for Member States to establish protections that in law and practice align with national conditions and with international labour standards;

(h) recognize the dynamic nature of the platform economy and establish the possibility for future adaptations of the standard to respond to rapid technological developments;

(i) underline the role of tripartite social dialogue in defining adequate laws and regulations, and the role of social partners in reaching collective agreements, while ensuring the effective representation of the workers and platforms concerned.

302. The Office recommends that the new instrument(s) should apply to both location-based and online platforms. Despite their differences, both share common gaps in protections available to workers, and therefore a common set of standard protections would be appropriate. Addressing both kinds of platforms would enable a consistent application of standards across all platforms, including having regard for the cross-border dimension of platform work, and in doing so would promote a level playing field, contributing to fair competition and harmonized labour practices.

303. As referred to in the gap analysis described earlier in this report, a number of international labour standards apply to both self-employed workers and employees, and further, the thematic gaps identified in this report apply to both groups. The Office recommends that the new instrument(s) should apply also to both employees and self-employed workers. With self-employed workers making up a larger share of digital platform workers, their exclusion from a standard would leave many workers unprotected. The formulation should be inclusive in order to encompass the characteristics of both categories of workers. The instrument(s) would also need to provide safeguards to ensure that platform workers who are employees would also enjoy protection no less favourable than those enjoyed by workers in an employment relationship generally. This approach prioritizes inclusivity, simplicity and a consistent application of labour standards.

304. It is common practice for the International Labour Conference to adopt a Convention accompanied by a separate Recommendation on the same subject, or to adopt a standalone Recommendation that provides guidelines that are not binding on Member States. The Conference has also adopted an instrument that combines both mandatory provisions and provisions that provide guidance within the same instrument. [505] With regard to decent work in the platform economy, a single instrument could contain mandatory provisions that would reflect the principles, rights and obligations that are applicable to all digital platform workers as they address core aspects of decent work in the platform economy. The provisions providing guidance would deal with specific details of implementation of the principles, rights and obligations, or aspects that are either not yet ripe for mandatory norms or more suitably addressed under non-mandatory norms.

The potential for simplified and accelerated procedures for amending the future instrument(s)

305. The rapid evolution of the platform economy and advances in technology continue to promise new business opportunities and the development of business models that will inevitably give rise to new decent work challenges. While technology is a central feature in organizing work on or through platforms, its rapid change should not hinder efforts to address decent work challenges. Rather, it underscores the importance of paying special attention to these issues. The Office considers that the special characteristics of the platform economy require continued review due to its rapid evolution. An instrument could include a simplified and accelerated procedure for

[505] Namely the Maritime Labour Convention, 2006, as amended (MLC, 2006).

amending provisions relating to specific topics to ensure its continued relevance in light of the technological, regulatory or operational developments concerning work on or through digital platforms. In this regard, the questionnaire includes a question on this subject.

The questionnaire

306. The purpose of the questionnaire annexed to this report is to elicit views about the content and structure of a standard (or standards) addressing decent work in the platform economy.

307. The questionnaire is structured thematically by subject area to enable Member States to consider what could be the subject of provisions that would be mandatory reflecting general principles of general application to all digital platform workers, and provisions that would provide guidance in these thematic subject areas.

308. The proposed structure of the questionnaire would provide benefits for the standard-setting process. A thematic approach would facilitate negotiations during the two discussions at the Conference, as delegates could address the different elements of the regulation of each thematic area in a comprehensive manner.

309. Responses to the questionnaire will inform a second report, which, in addition to this report, will form the basis of the first discussion on the standard-setting item at the Conference in June 2025 and the second discussion in June 2026 with a view to adopting the instrument(s).

Questionnaire

As noted in the introduction to this report, at its 347th Session (March 2023) the ILO Governing Body decided to place on the agenda of the 113th Session (June 2025) of the International Labour Conference a standard-setting item on decent work in the platform economy (double discussion).[1]

Governments are requested to provide their views on the form, scope and content of the future standards by responding to this questionnaire, after consultation with the most representative organizations of employers and workers. Reasons should be given for their replies and the organizations consulted should be indicated. Governments are also reminded of the importance of ensuring that all relevant departments or ministries that have oversight or other functions connected to the platform economy are involved in responding to this questionnaire.

In order for the Office to take account of the replies to this questionnaire, governments are requested to submit their replies to the Office no later than 31 August 2024.

The questionnaire includes four possibilities for the type of instrument or instruments that could be adopted: a Convention; a Recommendation; a Convention supplemented by a Recommendation; or a Convention comprising provisions that would be mandatory and provisions that would provide guidance.

The questions are divided into thematic areas. Each thematic area includes both questions related to provisions that could be considered to be mandatory and questions related to provisions that could be considered to provide guidance. The provisions that could be considered mandatory would reflect principles, rights and obligations that are applicable to all digital platform workers as they address core aspects of decent work in the platform economy. The provisions that could be considered to provide guidance would deal with specific details of the implementation of the principles, rights and obligations, or aspects that are either not yet ripe for mandatory norms or more suitably addressed under non-mandatory norms. Governments are therefore invited to comment not only on the content of the possible provisions but also on whether they should be mandatory or provide guidance.

The structure of the questionnaire in no way limits the right of the International Labour Conference to decide on the most appropriate form of the instrument or instruments.

Furthermore, the questionnaire seeks constituents' views on whether the instrument or instruments should include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms. Should there be support, the Office would prepare, ahead of the first discussion by the Conference, more detailed information on the possible design of an amendment procedure for this purpose.

Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit replies to platformeconomy@ilo.org. Respondents may also submit their replies in hard copy to the Conditions of Work and Equality Department (WORKQUALITY) at the International Labour Office in Geneva.

[1] GB.347/PV(Rev.), para. 876.

I. Form of the international instrument or instruments

1. Should the International Labour Conference adopt an instrument or instruments concerning decent work in the platform economy?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

2. If so, should the instrument or instruments take the form of:

(a) a Convention?

☐

(b) a Recommendation?

☐

(c) a Convention supplemented by a Recommendation?

☐

(d) a Convention comprising mandatory provisions and provisions providing guidance?

☐

Comments

Click or tap here to enter text.

II. Preamble

3. Should the Preamble of the instrument or instruments recognize that the growth of the platform economy, including the expansion of digital labour platforms, has increased opportunities for job creation and work-related income and for enterprise and business development, while noting at the same time that it is significantly transforming the way work is organized and performed, with challenges for achieving decent work in the platform economy?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

4. Should the Preamble of the instrument or instruments recall that international labour Conventions and Recommendations apply to all workers, including digital platform workers, unless otherwise provided?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

5. Should the Preamble of the instrument or instruments underline that the specificities of work on or through digital labour platforms make it desirable to supplement the general standards by standards specific to digital platform workers, to enable them to fully enjoy their rights and to promote fair competition?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

6. Should the Preamble of the instrument or instruments acknowledge the significance of the implications on working conditions of the use of algorithms for organizing, supervising and evaluating work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

7. Should other considerations be included in the Preamble of the instrument or instruments?

☐ Yes ☐ No

Please specify

Click or tap here to enter text.

III. Definitions

8. For the purposes of the instrument or instruments, should the term "digital labour platform" mean a natural or legal person that provides, through digital tools such as a website or an application, a service involving the performance of work by a person for remuneration, irrespective of whether that work is performed online (online digital labour platforms) or in a specific geographic location (location-based digital labour platforms)?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

9. For the purposes of the instrument or instruments, should the term "intermediary" mean a natural or legal person that provides access to work on or through a digital labour platform, by subcontracting or otherwise?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

10. For the purposes of the instrument or instruments, should the term "digital platform worker" mean a person who is employed or engaged to work on or through a digital labour platform,[1] regardless of their employment status or whether they work formally or informally?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

11. For the purposes of the instrument or instruments, should the term "remuneration" mean the financial compensation payable to a digital platform worker, regardless of their employment status, in exchange for the work they perform on or through a digital labour platform?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

12. For the purposes of the instrument or instruments, should the term "hours of work" mean the time during which digital platform workers are at the disposal of a digital labour platform, including when they are waiting for work assignments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

13. Should any other terms be defined by the instrument or instruments? If yes, please provide particulars?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

IV. Purpose and scope

14. Should the instrument or instruments apply to:

(a) all digital labour platforms?

☐ Yes ☐ No

(b) all digital platform workers?

☐ Yes ☐ No

Comments

[1] Work on or through a digital labour platform covers a wide array of activities performed with the use of a digital intermediating tool such as a website or an application. It includes for instance work through ride-sharing applications and work on microtask platforms. The intermediating role of technology serves to differentiate it from other kinds of work undertaken by individuals **for** digital labour platforms, such as clerical work.

Click or tap here to enter text.

15. Should the instrument or instruments provide that, where special problems of a substantial nature arise, each Member may, at the time of ratification and following consultation with representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, exclude from the application of all or part of their provisions:

(a) limited categories of digital labour platforms?

☐ Yes ☐ No

(b) limited categories of digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

16. Should the instrument or instruments provide that each Member should take measures to ensure that, in implementing their provisions, digital platform workers in an employment relationship enjoy protection no less favourable than that enjoyed by workers in an employment relationship generally?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

V. Substantive content of the instrument or instruments

A. Fundamental principles and rights at work

Mandatory

17. Should the instrument or instruments underline that each Member should take measures to ensure that digital platform workers enjoy the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

☐ Yes ☐ No

(b) the elimination of all forms of forced or compulsory labour;

☐ Yes ☐ No

(c) the effective abolition of child labour;

☐ Yes ☐ No

(d) the elimination of discrimination in respect of employment and occupation;

☐ Yes ☐ No

(e) a safe and healthy working environment?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

B. Occupational safety and health

Mandatory

18. Should the instrument or instruments provide that each Member should require digital labour platforms to take appropriate steps commensurate with their degree of control to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by assessing physical and psychosocial risks and taking the adequate preventive and control measures?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

19. Should the instrument or instruments provide that each Member should take appropriate measures to ensure that:

(a) equipment used to perform work on or through digital labour platforms does not entail dangers for the safety and health of digital platform workers;

☐ Yes ☐ No

(b) digital platform workers receive appropriate information and training in occupational safety and health;

☐ Yes ☐ No

(c) digital platform workers have the right to remove themselves from a work situation which they believe presents an imminent and serious danger to their life or health;

☐ Yes ☐ No

(d) digital platform workers report to a representative of the digital labour platform any situation in which they have reasonable justification to believe it presents an imminent and serious danger to their life or health;

☐ Yes ☐ No

(e) adequate personal protective clothing and equipment, which are necessary when hazards cannot be otherwise reasonably prevented or controlled, are provided by the digital labour platform without any cost to the worker?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

20. Should the instrument or instruments provide that, in the course of performing their work, digital platform workers should comply with the prescribed occupational safety and health measures and cooperate in the fulfilment by digital labour platforms of the occupational safety and health obligations placed upon them?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

21. Should the instrument or instruments provide that, when the protection of digital platform workers in case of employment injury is not ensured through existing social security schemes, each Member should require digital labour platforms to extend such protection to the digital platform workers they employ or engage?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

22. Should the instrument or instruments provide that Members should encourage digital labour platforms to provide digital platform workers, as appropriate to the nature of work performed, with access to sanitary facilities and drinking water?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

C. Violence and harassment

Mandatory

23. Should the instrument or instruments provide that each Member should take appropriate measures to effectively protect digital platform workers against violence and harassment in the world of work, including gender-based violence and harassment and, where appropriate, violence and harassment involving third parties such as clients and customers, including when perpetrated online, consistent with the right of everyone to a world of work free from violence and harassment, as recognized in the Violence and Harassment Convention, 2019 (No. 190)?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

D. Employment promotion

Mandatory

24. Should the instrument or instruments provide that each Member should make it an aim of national policy to promote the creation of decent jobs and encourage career and skills

development in the platform economy, consistent with the goal of full, productive and freely chosen employment as set forth in the Employment Policy Convention, 1964 (No. 122)?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

25. Should the instrument or instruments provide that Members should promote opportunities for further training and education for skills development and portable competencies for digital platform workers, in order for them to enjoy decent work, improve their employment prospects and respond to changing technology and labour market conditions?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

26. Should the instrument or instruments provide that Members should promote measures to reduce barriers for disadvantaged groups to work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

E. The employment relationship

Mandatory

27. Should the instrument or instruments provide that each Member should take measures to ensure the adequate classification of digital platform workers in relation to the existence of an employment relationship, based on the primacy-of-facts principle as set out in the Employment Relationship Recommendation, 2006 (No. 198), taking into account the specificities of work on or through digital labour platforms?[2]

☐ Yes ☐ No

Comments

Click or tap here to enter text.

[2] The primacy-of-facts principle is expressed in Paragraph 9 of Recommendation No. 198, which provides that the determination of an employment relationship "should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties."

28. Should the instrument or instruments provide that the measures adopted by Members concerning the determination of the existence of an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that digital platform workers in an employment relationship have the protection they are due?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

29. Should the instrument or instruments provide that Members should review at appropriate intervals and, if necessary, clarify and adapt the scope of relevant laws and regulations, in order to ensure the adequate classification of digital platform workers in relation to the employment relationship in the changing world of work?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

F. The use of intermediaries

Mandatory

30. Should the instrument or instruments provide that each Member should take measures to ensure that, where the use of intermediaries is permitted, their activities should be adequately regulated, and the respective responsibilities of digital labour platforms and intermediaries, including in respect of occupational safety and health, and the payment of remuneration and social security contributions, should be determined and allocated in accordance with national law and practice?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

G. Remuneration and working time

Mandatory

31. Should the instrument or instruments provide that each Member should take measures to ensure that the remuneration payable to digital platform workers is:

(a) adequate and includes, as appropriate, fair piece rates;

☐ Yes ☐ No

(b) paid regularly, in legal tender and in full, in accordance with contractual obligations, national laws, regulations and collective agreements, and not unduly withheld?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

32. Should the instrument or instruments provide that, in assessing compliance with applicable laws, regulations or collective agreements on the amount of remuneration, the following should not be considered part of the remuneration payable to the digital platform worker:

(a) any expenses or other costs necessary to carry out their work;

☐ Yes ☐ No

(b) tips and other gratuities?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

33. Should the instrument or instruments provide that each Member should provide that digital labour platforms should only be permitted to make deductions from digital platform workers' remuneration under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement, and should be prohibited from charging any fees or costs, directly or indirectly, in whole or in part, to digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

34. Should the instrument or instruments provide that each Member should require digital labour platforms to regularly provide digital platform workers with accurate and easily understandable information on their remuneration and any deductions made?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

35. Should the instrument or instruments provide that each Member should take measures to ensure, in accordance with national laws, regulations or collective agreements, adequate protection of digital platform workers in relation to:

(a) hours of work;

☐ Yes ☐ No

(b) rest breaks;

☐ Yes ☐ No

(c) daily and weekly rest;

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

36. Should the instrument or instruments provide that Members should take measures to ensure that the remuneration payable to digital platform workers is at least equivalent to the statutory or negotiated minimum wage, calculated according to the same method, that is applicable to workers in a comparable situation, where it exists?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

37. Should the instrument or instruments provide that Members should establish guidance on the payment of tips and other gratuities to ensure that they are received by digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

38. Should the instrument or instruments provide that Members should establish a method to determine the remuneration payable to digital platform workers for periods of time during which they are at the disposal of the platform and waiting for work assignments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

39. Should the instrument or instruments provide that Members should take measures to enable digital platform workers to decline a work assignment or to disconnect from a digital labour platform when they are not available for work, without retaliation?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

H. Impact of the use of algorithms on working conditions

Mandatory

40. Should the instrument or instruments provide that each Member should require digital labour platforms to inform digital platform workers, before they are employed or engaged, and their representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers, about the use of algorithms to organize, supervise and evaluate work, and the extent to which this use affects the working conditions of digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

41. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that the use of algorithms:

(a) does not result in any direct or indirect discrimination, including in respect of access to work on or through digital labour platforms and the setting of remuneration;

☐ Yes ☐ No

(b) does not have harmful effects on the safety and health of digital platform workers, including risks of work-related accidents and psychosocial risks?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

42. Should the instrument or instruments provide that each Member should ensure that digital platform workers have effective access, without undue delay, to a human review of any decision generated by an algorithm that impacts their working conditions, in particular when it results in the suspension or deactivation of their account, or termination of their work relationship?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

43. Should the instrument or instruments provide that when the impact of the use of algorithms on working conditions of digital platform workers is not covered by a collective agreement, such use should be the subject of prior authorization by the competent authority?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

44. Should the instrument or instruments provide that Members should encourage digital labour platforms to ensure regular monitoring and evaluation of the impact of the use of algorithms on digital platform workers' working conditions, and the application of any necessary corrective measures, in collaboration with digital platform workers' representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

45. Should the instrument or instruments emphasize the importance of addressing at least the following elements in any information, collective agreement or prior authorization, as referred to in questions 40 and 44:

(a) the main parameters taken into account in the operation of algorithms that have implications for working conditions, and their relative importance;

☐ Yes ☐ No

(b) the extent of human intervention, if any, in the decision-making process;

☐ Yes ☐ No

(c) any subsequent change made to (a) or (b)?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

I. Protection of digital platform workers' personal data

Mandatory

46. Should the instrument or instruments provide that each Member should establish effective and appropriate safeguards concerning the collection, storage, use, processing and communication of digital platform workers' personal data?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

47. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that digital platform workers' personal data are collected, processed and used only to the extent strictly necessary for the proper performance of the work relationship or as required by national law, and to prohibit, in particular, the collection, processing and use of personal data:

(a) relating to private conversations, including exchanges with workers' representatives;

☐ Yes ☐ No

(b) concerning membership of workers' organizations or participation in their activities;

☐ Yes ☐ No

(c) obtained when the digital platform worker is not connected to a digital labour platform for the purpose of performing work;

☐ Yes ☐ No

(d) concerning physical and mental health and other sensitive data as determined in accordance with international labour standards and other relevant national and international instruments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

48. Should the instrument or instruments provide that, in establishing the safeguards referred to in question 46, Members should take into account relevant instruments of the International Labour

Organization, such as the code of practice on the protection of workers' personal data, and other relevant national and international instruments on the protection of personal data and the right to privacy?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

49. Should the instrument or instruments provide that Members should establish policies relating to the portability of data that relate to the work of a digital platform worker, including ratings?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

J. Social security

Mandatory

50. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers enjoy social security protection on terms not less favourable than those applicable to workers generally?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

51. Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms and digital platform workers both participate in the financing of social security systems based on the principle of financial, fiscal and economic sustainability, with due regard to social justice and equity?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

52. Should the instrument or instruments provide that, where coverage of the national social security protection system is limited, Members should endeavour to progressively extend its scope so that it covers all digital platform workers in respect of the nine categories of benefits included in the Social Security (Minimum Standards) Convention, 1952 (No. 102)?[3]

☐ Yes ☐ No

[3] See Parts II–X of Convention No. 102: medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors' benefits.

Comments

Click or tap here to enter text.

53. Should the instrument or instruments provide that Members should endeavour to take steps for the maintenance or portability of social security rights in the course of acquisition and acquired rights of digital platform workers when they are successively subject to different social security schemes in different Member States or within the same Member State?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

K. Terms and conditions applying to digital platform workers

Mandatory

54. Should the instrument or instruments provide that the terms and conditions of digital platform workers should be governed by the law of the country where the work is performed?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

55. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers are informed of their terms and conditions of work in an appropriate, verifiable and easily understandable manner, where possible through written contracts, in accordance with national laws, regulations or collective agreements?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

56. Should the instrument or instruments provide that Members should require that contracts between digital platform workers and digital labour platforms contain at a minimum:

(a) the identity and contact details of the contracting parties;

☐ Yes ☐ No

(b) the tasks that the digital platform worker is expected to perform;

☐ Yes ☐ No

(c) information about the impact of the use of algorithms on working conditions, as referred to in question 40;

☐ Yes ☐ No

(d) information about the grounds on which a digital platform worker's account may be suspended or deactivated, or the work relationship terminated;

☐ Yes ☐ No

(e) information about the method to determine the remuneration payable to the digital platform worker, and possible deductions if any;

☐ Yes ☐ No

(f) periods, if any, during which the digital platform worker is expected to be at the disposal of the digital labour platform for work assignments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

L. Protection of migrants and refugees

Mandatory

57. Should the instrument or instruments provide that each Member should take all necessary and appropriate measures to prevent abuses of, and provide adequate protection to, migrants and refugees in the course of their recruitment or their work as digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

58. Should the instrument or instruments provide that Members should ensure that free public information services are provided to ensure that migrants and refugees are aware of relevant laws and regulations relating to working on or through digital labour platforms, including dispute settlement mechanisms and legal remedies as referred to in questions 65–67?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

M. Freedom of association, social dialogue and the role of employers' and workers' organizations

Mandatory

59. Should the instrument or instruments provide that each Member should take all necessary measures to ensure that digital labour platforms and digital platform workers effectively enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

60. Should the instrument or instruments provide that Members should create an enabling environment for digital labour platforms and digital platform workers to exercise their right to organize and bargain collectively and to participate in social dialogue, including at the cross-border level?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

61. Should the instrument or instruments provide that Members should take or support measures to strengthen the capacity of representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to effectively further and defend the interests of their members in relation to work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

62. Should the instrument or instruments encourage employers' and workers' organizations to extend membership and services to digital platforms and digital platform workers, respectively?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

63. Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms make available to representative workers' organizations and, where they exist, organizations representing digital platform workers, all information necessary for meaningful negotiations?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

N. Suspension, deactivation and termination

Mandatory

64. Should the instrument or instruments provide that each Member should take measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their work relationship with a digital labour platform, when it is based on discriminatory, arbitrary or otherwise unjustified grounds?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

O. Dispute resolution

Mandatory

65. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers have easy access to appropriate and effective legal remedies, and safe, fair and effective dispute resolution mechanisms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

66. Should the instrument or instruments provide that Members should take measures to ensure that digital platform workers have access to dispute resolution mechanisms in the territory in which the digital platform worker resides or carries out work on or through a digital labour platform, regardless of where the platform is established?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

67. Should the instrument or instruments provide that Members, when taking measures regarding legal remedies and dispute resolution mechanisms, should consider the particular situation of migrants and refugees, including recognition of the right to stay lawfully in the territory to pursue their claim after their work relationship has ended?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

P. Compliance and enforcement

Mandatory

68. Should the instrument or instruments provide that each Member should put in place mechanisms to ensure compliance with and enforcement of relevant national laws, regulations and collective agreements, having regard to the special characteristics of work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

69. Should the instrument or instruments provide that, in order to ensure compliance, each Member should determine the conditions governing the operation of digital labour platforms through a system of licensing or certification or other form of regulation, including reporting obligations?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

70. Should the instrument or instruments provide that, when putting in place compliance mechanisms as referred to in question 68, Members should ensure respect for the right to privacy of digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

71. Should the instrument or instruments provide that Members should ensure that measures are in place to facilitate the formalization of platform workers, tackle undeclared activities and promote fair competition, including by imposing reporting obligations on digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Q. Implementation

Mandatory

72. Should the instrument or instruments provide that each Member should implement their provisions in relation to digital labour platforms operating, and digital platform workers working, in their territory?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

73. Should the instrument or instruments provide that, in implementing their provisions, each Member should consult with, and promote active participation of, representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

74. Should the instrument or instruments provide that their provisions should be applied by means of laws or regulations, collective agreements, court decisions, a combination of these means, or

in any other manner appropriate to national conditions and practice, including by extending or adapting existing measures, or by developing new measures to cover digital platform workers?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

Guidance

75. Should the instrument or instruments provide that Members should cooperate at bilateral, regional and international levels to ensure the effective implementation of their provisions, especially in matters concerning fundamental principles and rights at work, social security, dispute resolution and the regulation of the operation of digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

76. Should the instrument or instruments provide that Members should raise awareness and provide information and guidance to digital labour platforms, digital platforms workers and representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to support the effective implementation of their provisions?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

77. Should the instrument or instruments provide that Members should establish appropriate mechanisms, including the collection of data and statistics, to monitor developments concerning work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

R. Amendments

78. Should the instrument or instruments include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

VI. Other considerations

79. Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instrument or instruments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

80. (For federal States only) In the event of the instrument or instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?

☐ Yes ☐ No

Comments

Click or tap here to enter text.

81. Are there any other pertinent issues not covered by the present questionnaire that ought to be considered when drafting the instrument or instruments?

☐ Yes ☐ No

Comments

Click or tap here to enter text.