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Report of the Standard-Setting Committee on Decent Work in the Platform Economy

Contents

Introduction

1. At its first sitting, the Standard-Setting Committee on Decent Work in the Platform Economy elected its Officers as follows:

Chairperson:	Mr Benedicto Ernesto Bitonio Jr (Government member of the Philippines)
Vice-Chairpersons:	Ms Ewa Staworzynska (Employer member, United States of America)
	Ms Amanda Brown (Worker member, United Kingdom of Great Britain and Northern Ireland)

2. At its ninth sitting the Committee appointed Mr Colin Jordan (Government member, Barbados) as reporter and at its 22nd sitting it appointed the members of the Drafting Committee [1] as follows:

Government members:	Ms Janet Ortega Dávila (Mexico)
	Ms Véronique Moloko (Botswana)
	Mr Ivann Liberatore (France)
Employer members:	Ms Mónica Pizarro Díaz (Peru)
	Mr Luis Monsalvo Díaz (Mexico)
	Ms Anne Vauchez (France)
Worker members:	Mr Fernando Rocha (Spain)
	Mr Martin Willems (Belgium)
	Mr Nahuel Placanica (Argentina)

3. The Committee held 26 sittings.

4. Upon his election, the Chairperson recalled that the ILO Governing Body had decided at its 347th Session in March 2023 to include a standard-setting item on decent work in the platform economy on the agenda of the current Conference session. The Committee's task was to examine a set of proposed Conclusions prepared by the Office, marking the first step in a two-year double-discussion procedure. The initial discussion would form the basis for further consultations on a potential instrument or instruments to be adopted at the International Labour Conference in 2026. The moment was critical, as the global labour landscape was facing major challenges driven by technological change, globalization and demographic shifts. The platform economy had expanded rapidly, particularly after the COVID-19 pandemic, becoming a regular feature of many economies. The Office's reports suggested a broad consensus among ILO Member States on the need for an international instrument or instruments to help seize the opportunities while addressing the risks associated with the platform economy.

[1] Pursuant to article 9 of the Standing Orders of the International Labour Conference, the Drafting Committee reviews the drafting of any instrument referred to it in accordance with the Standing Orders or by special decision of the Conference and ensures agreement between the texts of such instrument in the official languages of the Conference. The Drafting Committee also advises on drafting questions that may be referred to it by the Conference or a committee in the course of the examination of any such instrument.

5. The representative of the Secretary-General noted that the Office had received a record number of replies to the questionnaire sent in January 2024, and nearly all supported the adoption of one or more instruments. The platform economy offered income opportunities and had the potential to reduce informality, but posed challenges related to labour and social protection and fair competition for traditional enterprises. It was critical to ensure decent work for platform workers, while preserving the income and employment opportunities offered by platforms. The global community was looking to the International Labour Organization (ILO) to provide a coherent and authoritative framework to guide international efforts. Setting a global framework to promote decent work in the platform economy would demonstrate its continued relevance in the face of structural changes in the world of work.

Opening statements

6. The Employer Vice-Chairperson expressed commitment to engaging constructively to reach an outcome that would support decent work in the platform economy, in the form of a Recommendation. The platform economy was a diverse ecosystem, with nearly 550 platforms globally, most of which were local or regional. She highlighted three key benefits of the platform economy: (i) the creation of income opportunities; (ii) the formalization of previously informal activities, allowing the generation of tax revenue and economic growth; and (iii) opportunities for entrepreneurs and micro, small and medium-sized enterprises (MSMEs), especially in emerging markets.

7. To harness these benefits, she outlined five priorities: first, adopting a principle-based Recommendation that was flexible and responsive to local contexts; second, rejecting ambiguous clauses that could lead to legal uncertainty and hinder implementation and ratifications; third, respecting existing labour and commercial laws, with clear distinctions between employees and the self-employed; fourth, an instrument that was future-proof, with no accelerated and simplified amendment procedure; and fifth, an instrument which recognizes the positive contributions of the platform economy and avoids demonizing technology. Principles essential for innovation, economic freedom, and enterprise viability could not be compromised.

8. The Worker Vice-Chairperson called for a binding Convention. The platform economy had experienced extraordinary growth over the previous decade. Platform workers, including delivery personnel, domestic workers, and data entry personnel, were often invisible and exploited. The widespread penetration of platforms was not solely due to technological innovation but had also been fuelled by large-scale injections of venture capital, often based on speculative future returns. The business model had serious implications for decent work and fair competition, shifting costs and risks onto workers and creating downward pressure on wages and working conditions.

9. Traditional companies that followed national labour laws were at a disadvantage compared to platforms. Platform workers were treated as disposable, despite their crucial contributions during the COVID-19 pandemic, and faced numerous challenges, including lack of sick leave, accident insurance and social protection. Platform workers had been injured or killed on the job, and subject to algorithmic wage discrimination. The root of many of these challenges lay in the misclassification of workers as independent contractors, stripping them of basic labour protections and denying them the right to freedom of association and collective bargaining. She noted that the Workers' group hoped to shape innovation and technological development, and not to hamper it. The digital age should be defined by fairness and decent work for all, and not by exploitation and exclusion.

10. The Government member of Poland, speaking on behalf of the European Union (EU) and its Member States,[2] said that the platform economy had significant potential to create employment opportunities, but that fundamental principles and rights at work were essential prerequisites for ensuring decent work for all workers in the platform economy. Ensuring the correct classification of workers was crucial for safeguarding their rights. Automated systems, including algorithms, posed significant risks, and human oversight was essential to prevent rights infringements. A Convention supplemented by a Recommendation was an appropriate way to set minimum standards worldwide while respecting the diversity of national regulatory frameworks and systems. He requested more information regarding a potential simplified amendment procedure.

11. The Government member of Oman, speaking on behalf of the countries of the Cooperation Council for the Arab States of the Gulf (GCC), called for a Recommendation. The term platform worker must be carefully defined. Platforms brought together independent workers, and there were challenges to regulating employment relationships within the platform economy. The platform economy had the potential to increase revenue for workers and it was also important to guarantee workers' rights. Challenges related to labour inspection, social protection, social security, remuneration, and dispute resolution, must be addressed.

12. The Government member of Norway, speaking on behalf of the Nordic countries, aligned with the statement of the EU and its Member States. While platform work was marginal in some Nordic countries, it was rapidly growing, and it was already widespread in other parts of the world. It was important to respect the autonomy of social partners, particularly in the negotiation of wages and working conditions through collective agreements, which were predominant in the Nordic labour market. The prospective instruments should not introduce a third category of workers in addition to employees and self-employed, and should be flexible enough to account for national circumstances.

13. The Government member of Grenada, speaking on behalf of the Caribbean Community (CARICOM), considered that digital labour platforms had transformed the world of work by creating employment opportunities, while at the same time raising questions about the nature of employment relationships and labour protection. Platform work obscured the employment relationship, and thus posed threats to employment rights, leading to insecure working conditions, a lack of social security protection and creating the potential for exploitation. This was further exacerbated by algorithmic management, which also posed risks to workers' privacy. An international labour standard for digital platform work should guarantee fundamental principles and rights at work, safeguard against occupational accidents, diseases and injuries and protect platform workers against all forms of violence and harassment.

14. The Government member of Barbados aligned with the CARICOM countries. It was important to embrace the opportunities for decent work, while ensuring protection for workers. The size and resources of enterprises in the platform economies, their cross-border nature, and the use of algorithms raised challenges for small countries. Small island states were eager to generate the full potential of the platform economy while moving workers from precariousness and informality to formality and decent work. A short Convention with basic rights and a Recommendation recognizing the dynamic nature of the platform economy was required.

[2] Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all governments, members of the group or organization in question, who are members of the ILO and are attending the Conference.

15. The Government member of Denmark observed that many young workers in the platform economy faced uncertainty, vulnerability and invisibility. The platform economy was expanding rapidly, outpacing labour protection. Many platform workers were classified as self-employed despite their work reflecting economic dependence. It was important to ensure the correct classification of workers and avoid introducing a third category of workers, which risked weakening workers' rights. The Convention should guarantee legal protection and flexibility, close legal gaps, protect all workers, respect genuine self-employment and build a fair, sustainable future of work for all.

16. The Government member of Mexico said that digital platform work provided opportunities but also posed major challenges. Millions of people in Mexico relied on platforms as a vital source of income, benefiting from their flexible nature and low entry requirements. However, platform work also presented serious shortcomings in terms of decent work, including gaps in social protection, occupational safety and health, algorithmic management transparency, and mechanisms to address unfair practices. He supported the adoption of a Convention accompanied by a Recommendation.

17. The Government member of Japan supported a new international labour standard for the digital platform economy, given the growing number of platform workers and the need to ensure their protection. However, given the significant differences among countries in the regulation of platform work, the standard needed to allow for national discretion. While appropriate protection for platform workers was essential, it was important to take a balanced approach that did not hinder technological progress or economic growth.

18. The Government member of Switzerland called for a Recommendation due to the diversity and complexity of the sector. The instruments under discussion proposed rules irrespective of employment status, which was concerning. While false self-employment was an issue, he warned against creating a third category of workers between employees and the self-employed and called for clear definitions.

19. The Government member of the United States of America cautioned that a Convention would be premature and potentially counterproductive, as it could undermine innovation and limit opportunities. Governments were still grappling with the definition and scope of digital labour platforms, and the scope of the proposed Conclusions could inadvertently include entities such as advertising websites or restaurants or grocery stores that use an app to manage delivery orders. A non-binding Recommendation would provide the needed flexibility to gather further data and experience. Accelerated and simplified amendment procedures could signal a lack of durable consensus and risk frequent renegotiation. The text did not differentiate between employees and independent contractors, a distinction fundamental to many national systems. Discussions should remain within the ILO's mandate and avoid areas like algorithmic governance.

20. The Government member of the Islamic Republic of Iran noted that structural changes in the labour market driven by digitalization and the growth of internet-based platforms had led to an increase in informal work arrangements in the country. Many platform workers, such as internet taxi drivers and courier service providers, lacked access to formal contracts, social insurance and legal protections.

21. The Government member of China noted that the development of international standards should reflect the characteristics of the times, while also respecting national circumstances. The form and content of the standards should be flexible, reflecting significant differences in legal and practical approaches to platform work across countries.

22. The Government member of Argentina considered that all platform workers, regardless of employment status, should enjoy decent working conditions. He called for the adoption of a Recommendation, leaving little room to exempt certain workers from its protection. The instrument adopted should not reference existing Conventions or Recommendations in the instruments, which risked complicating countries' level of commitment, particularly since many Member States had not ratified them. He raised concerns about the applicable law when the activities of a digital labour platform took place across multiple locations.

23. The Government member of India called for the proposed standards to take the form of a non-binding Recommendation that provided a fair and dignified framework for platform work while respecting national contexts and ensuring balance and adaptability. The platform economy was a nascent and rapidly evolving space, and flexibility was vital for national governments. She acknowledged the importance of transparency in algorithmic management and advocated for promoting responsible practices through dialogue and collaboration rather than regulation.

24. The Government member of Spain stated that benefits linked to the development of digital technologies should be distributed fairly, both between individuals and enterprises, and among States. While the work of the Committee was focused on developing standards applicable to the platform economy, in the medium term, it would be necessary to develop international standards on the algorithmic management of human work. The adoption of a Convention supplemented by a Recommendation was the most effective way for achieving decent work in the platform economy. Platform workers should enjoy the same rights as other workers but required specific measures to make those rights effective.

25. The Government member of Australia supported a Convention supplemented by a Recommendation. The Convention should be principles-based, be applicable across a variety of national contexts and through time, and the Recommendation should build on the principles set out in a Convention. In Australia, workplace tribunals set minimum standards for self-employed digital platform workers and self-employed platform workers were protected against suspension and deactivation.

26. The Government member of Bangladesh called for a Recommendation. Digital technologies had fundamentally altered the world of work, creating greater job flexibility and lowering barriers to employment, but also increasing informality, weakening labour protections, and disrupting traditional employment relationships through the rise of self-employment. National approaches to platform work varied widely, with differences in definitions, regulatory focus, and the extent of protection, reflecting the evolving nature of platform work.

27. The Government member of Indonesia supported the development of an international instrument through an inclusive and flexible approach guided by tripartite dialogue, emphasizing the importance of aligning national regulations with ILO standards while respecting local contexts. While the digital economy had created new opportunities, it had also brought issues such as income insecurity, lack of protections and unequal power dynamics.

28. The Government member of Côte d'Ivoire called for a global standard that guaranteed minimum rights for platform workers and promoted inclusive and fair digital labour markets. While digital platforms created employment opportunities, they also posed challenges such as informality, lack of social protection and unclear employment relationships. She called for ILO technical support and enhanced cooperation with stakeholders.

29. The Government member of Namibia, speaking on behalf of the Africa group, supported the adoption of a Convention and a Recommendation to promote decent work in the platform economy, noting its potential to create employment for those struggling to access traditional labour markets. However, in Africa, participation in platform work remained low due to structural challenges, including poor infrastructure, limited digital connectivity, skill gaps and gender inequality. Women, particularly in rural areas, faced significant barriers such as lack of access to technology, occupational segregation, and exposure to violence and harassment in location-based platform jobs.

30. The Government member of the United Kingdom of Great Britain and Northern Ireland supported the adoption of a Convention supplemented by a Recommendation to ensure fair terms and protections for platform workers. The initiative was timely and important to address the decent work challenges faced by platform workers.

31. The Government member of Kenya aligned with the statement of the Africa group. The growth of digital platforms had provided employment opportunities, but platform workers often faced challenges such as unclear employment status, lack of social protection, job insecurity and absence of representation. Kenya had taken steps to improve conditions for platform workers, including developing regulatory frameworks, investing in digital skills and fostering international cooperation. She called for ILO assistance in national-level reforms.

32. The Government member of Costa Rica called for the adoption of a Convention supplemented by a Recommendation to safeguard labour rights, ensure legal certainty, and guarantee the correct classification of platform workers. Any new international instrument should reflect the diversity of employment and self-employment models within the platform economy, including both commercial relationships and those that constituted genuine employment relationships. Regardless of the employment model or status, access to social protection remained essential. She also acknowledged the impact of algorithmic management in the organization, supervision and evaluation of platform workers.

33. The Government member of Qatar emphasized the importance of promoting social justice and human dignity in the context of the expanding digital economy. It was necessary to adopt regulatory policies that protected the rights of platform workers, supported sustainable economic growth of the platform economy, promoted equality of opportunity and treatment, and established a framework that considered national specificities and reinforced protection for workers, without introducing new classifications that might reduce legal safeguards.

34. The Government member of Canada recognized the opportunities and challenges brought by the expansion of digital labour platform. Despite the flexibility offered to women, migrants, and youth, there was evidence of poor working conditions and risk of exploitation. She noted new legislation in the province of British Columbia, which presumed employee status for ride-hailing and delivery workers, in line with the ILO Employment Relationship Recommendation, 2006 (No. 198). She supported an international labour standard to address regulatory gaps and guide governments in ensuring decent and sustainable jobs in the platform economy. Such standard should be practical, principle-based and flexible enough for wide ratification.

35. The Government member of Chile believed the instruments should take the form of a Convention supplemented by a Recommendation. The platform economy provided new employment opportunities, but also challenges related to formalization, social protection and fair working conditions. He shared national experiences in promoting decent work, including by regulating work on digital platforms, recognizing both dependent workers and protected independent workers, and incorporating minimum standards of safety, remuneration, algorithmic transparency and access to social protection mechanism.

36. The Government member of Namibia aligned with the Africa group, noting his Government's efforts to establish a national legal framework for data protection and safeguard individual's rights, including privacy. He supported measures to protect workers from algorithmic misuse. All decisions by automated systems based on algorithms should be reviewed by humans. He called for the sharing of international best practices, especially regarding access to safe, fair, and effective dispute resolution for platform workers.

37. The Government member of the Philippines supported the adoption of a Convention, a Recommendation, or a Convention supplemented by a Recommendation. The platform economy presented opportunities and challenges. She noted the diverse approaches to addressing workers' classification, financial insecurity, inadequate social protection, health concerns, algorithmic management, and rights to organize and bargain collectively. Tripartite social dialogue should inform inclusive and transparent national policymaking.

38. The representative of the Holy See noted that the transformation of the world of work by the platform economy was driven by artificial intelligence, risking the silencing of workers' voices. All platform workers, regardless of employment status, should enjoy fundamental principles and rights at work; however, many remained excluded from social security systems, with unpredictable and inadequate earnings, long working hours without compensation for waiting time or expenses, and lack of autonomy due to algorithmic control. Algorithmic opacity governed task assignment, worker ratings and account deactivations. He called for ambitious standards and sustained dialogue among social partners to ensure decent work and amplify the voices of platform workers.

39. The representative of the International Domestic Workers' Federation emphasized that digital labour platforms had worsened domestic workers' exposure to social, cultural and legal discrimination, despite their essential role in households and societies. Digital labour platforms bypassed labour laws, creating instability in wages and working hours and imposing exploitative working conditions. Ratings systems exposed women domestic workers to gender-based violence with little recourse due to fear of job loss. Platforms exercised strict control while avoiding responsibility for workers' safety and well-being. She called for the urgent adoption of a binding Convention to protect all platform workers, ensure fair wages, stable work and protection from abuse, and safeguard fundamental rights in the digital economy.

40. The representative of the International Cooperative Alliance (ICA-COOP) considered that the platform economy had grown rapidly, introducing innovation but also legal ambiguity. Challenges included precarious working conditions, misclassification of workers, exploitation via algorithmic management and a lack of social protection. Platform cooperatives were democratic and ethical alternatives that used technology to uphold rights and deliver decent work but these faced unfair competition from dominant platforms. She called for a Convention accompanied by a Recommendation to clarify worker classification and ensure fair treatment of workers, algorithmic transparency, data ownership and portability and a level playing field across business models.

41. The representative of the Institution of Occupational Safety and Health stated that the platform economy had become a major force offering flexibility and income opportunities to millions, but this growth had outpaced protections. Platform workers faced long hours, unpredictable incomes, limited access to occupational health and safety protections, and were often managed by opaque algorithms. He called for the adoption of a Convention and Recommendation to secure occupational safety, employment rights and social security for all platform workers.

42. The representative of the International Young Christian Workers described the experiences of many platform workers who were misclassified as independent contractors, lacking contracts, social protection and collective bargaining rights. He called for the formal recognition of platform workers in law, ensuring access to social protection, healthcare, paid leave and family care.

43. The representative of HomeNet International highlighted the vulnerability of home-based workers, who often worked through digital platforms but remained unrecognized and excluded from labour protections. Platforms treated them as artisans rather than workers and did not enable collective organization, isolating workers and increasing precarity. Disparities in digital access further compounded their vulnerability. She called for legal recognition of all platform workers, including self-employed workers, access to digital training, and the right to collective bargaining in the platform economy.

44. The representative of the Asia Pacific Forum on Women, Law and Development conveyed the experiences of women platform workers across Asia and the Pacific, who were frequently misclassified as freelancers or partners and excluded from labour protections. Women lacked employment contracts, often earned poverty wages while juggling unpaid care responsibilities, suffered unsafe working conditions, algorithmic surveillance, and deactivations following sick leave, were excluded from collective bargaining, and lacked recognition under national labour laws. She urged adoption of a legally binding Convention that addressed gendered aspects of platform work, ensuring legal recognition, living wages, social protection and democratic algorithmic governance.

45. The representative of the International Transport Workers' Federation stressed that digital innovation should not come at the cost of fundamental labour rights. Platform workers were controlled by algorithms, denied access to social protection, and treated as disposable. She called for an end to the misclassification of platform workers as "independent contractors"; the protection of migrant workers; regulation of algorithms to ensure transparency and fairness; universal social protections for all platform workers; a stop to automated, unfair deactivations without reason, warning or appeal; a guarantee of a living wage or income that covers costs such as fuel, insurance and waiting time; and prevention of health and safety risks. She called on the Committee to adopt a strong and inclusive Convention and Recommendation that would affirm the rights, protections and dignity of platform workers.

46. The Employer Vice-Chairperson, before providing her closing remarks, delivered a statement on the issue of speaking requests by certain international non-governmental organizations (INGOs), reaffirming the Employers' respect for the Standing Orders and support of the participation of INGOs through brief general statements during the first plenary sitting. She, however, noted with concern the growing number of speaking requests from organizations already represented through ILO constituent groups, creating an imbalance in the Committee and unequal footing regarding the Employers' group's speaking time. It was essential, going forward, to maintain a balanced and equitable approach regarding INGO speaking requests, ensuring fairness across all constituent groups. In her closing remarks, she acknowledged that the discussion had shown broad agreement on several points, including the potential of digital platforms to create work opportunities. She highlighted that many governments considered that a Recommendation was the appropriate form for the instrument and reiterated the five priorities of her group, which included supporting a clear, principle-based recommendation, rejecting overly prescriptive clauses, respecting the distinction between existing labour and commercial laws, ensuring an instrument that was fit for purpose, and recognizing the positive contributions of the platform economy. She looked forward to a constructive debate and achieving a consensus-based outcome.

47. The Worker Vice-Chairperson welcomed the deep interest in the discussion and the views expressed on adopting a Convention supplemented by a Recommendation. She emphasized the need to grasp the opportunity, recognizing the complexity and ambiguity surrounding the classification of platform workers. She argued that the complexity was a result of deliberate obfuscation by platforms, and that the vast majority of platform workers were in a dependent relationship, rather than genuinely operating their own businesses. The ILO must uphold the dignity of all workers and tackle the exploitation faced by platform workers. While it was important to respect diverse national labour relations systems and the need for flexibility in implementation, such issues could be properly addressed through a Convention.

Discussion of amendments to the proposed Conclusions [3]

Part A title

48. The title of Part A was adopted.

Point 1

A.60 and A.62

49. Upon the request of the Employer Vice-Chairperson, the Committee decided to postpone the consideration of the amendments to point 1 to first address amendments to point 2 regarding the form of the instrument.

50. In light of the discussions on point 2 of the proposed Conclusions regarding the form of the instrument, an amendment (A.60) submitted by the Employers' group to add the word "a" before the word "standard" and to delete the letter "s" at the end of the word "standard", fell.

51. Point 1 was adopted.

Point 2

A.163, A.62, A.34, A.1 and A.126

52. The Government member of the United States of America, speaking also on behalf of the Government members of Japan, Switzerland and Türkiye, introduced an amendment (A.163), to remove the words "a Convention supplemented by" before the word "Recommendation". The platform economy was evolving rapidly, requiring flexibility. A Convention could suppress innovation and job creation and would quickly become outdated. There was no shared legal foundation for a Convention, as testified by the high number of amendments received. A Recommendation would allow for progress toward clarity and coherence, rather than prematurely enshrining a vague concept into law. Finally, a Convention covering independent contractors or commercial relationships would go beyond the ILO's mandate and risked creating conflicts with national commercial and civil law.

53. Identical amendments were also submitted by the Employers' group (A.62), and the Government members of China (A.1), India (A.34) and Malaysia (A.126).

54. The Employer Vice-Chairperson supported the amendment (A.163, A.62, A.34, A.1, A.126). She noted four reasons for adopting a Recommendation only: first, there was a lack of consensus on the platform economy, evidenced, inter alia, by the outcome of the 2022 Meeting of Experts

[3] The proposed Conclusions can be found in ILC.113/Report V(2) and all the amendments on the web page of the Committee.

on Decent Work in the Platform Economy and the 2023 vote in the Governing Body. A principles-based Recommendation would be better positioned than a Convention to generate consensus and would allow flexibility in implementation. Second, a Recommendation was better at capturing the diversity of the platform economy across sectors and business models. Governments already had what they needed to protect employees and the self-employed and had already taken different approaches to regulating the platform economy. A prescriptive instrument would fuel legal uncertainty. Third, the instrument should capture the realities of MSMEs and entrepreneurs, who made up the majority of the platform economy, maximize the benefits of the platform economy, and promote the creation of job opportunities and innovation. Platform companies created solutions for some challenges created by demographic shifts. In many countries, youth and older persons often found work through platforms, which, in the case of older persons, lowered the burden on governments and social protection systems. Fourth, the digitalized aspect of the platform economy promoted formalization. Finally, the instrument should promote the important contributions that platform companies make to society and be flexible enough to help governments as a reference point in promoting best practices. It was also important that the instrument not duplicate or contradict existing ILO instruments.

55. The Worker Vice-Chairperson did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Convention could reduce decent work deficits and prevent the race to the bottom by harmonizing the currently disparate approaches to regulation. A Convention was also necessary to address the cross-border dimensions of platform work. Platforms frequently misclassified workers, systematically deprived them of rights and protections, and exposed them to insecurity, poor working conditions and lack of social protection. A Convention would not stifle innovation but shape the conditions in which such innovation occurred. The standard-setting process would allow the space and time necessary to develop a shared understanding. The simplified amendment procedure contained in the proposed Conclusions could allow for adaptation of the instrument. Finally, tackling difficulties in conditions of work were central tenets of the ILO Constitution, the ILO Declaration of Philadelphia, and the body of international labour standards.

56. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Convention supplemented by a Recommendation was the best option to balance flexibility for the platform economy to grow and the need to protect workers' rights. With 28.3 million people working through platforms in the EU – nearly as many as in manufacturing – regulation was necessary. A Convention would not interfere with genuine commercial transactions.

57. The Government member of India supported the amendment (A.163, A.62, A.34, A.1, A.126). A Convention could impose excessive regulation, potentially stifling the sector and threatening livelihoods, especially in countries like India with large informal economies and where the platform economy was growing. A Recommendation would offer the flexibility needed to tailor responses to national and local contexts, while progressively advancing workers' rights and welfare.

58. The Government member of China supported the amendment (A.163, A.62, A.34, A.1, A.126). A Convention was ill-suited to capture the diversity of the platform economy, which first required clarifying definitions. A widely supported Recommendation could prevent a race to the bottom more effectively than a poorly ratified Convention. It was also important not to interfere with civil and commercial relations.

59. The Government member of Brazil did not support the amendment (A.163, A.62, A.34, A.1, A.126). ILO Conventions helped address diverse labour issues and build national legislation, and a Convention was required to ensure decent work in the platform economy.

60. The Government member of Bangladesh supported the amendment (A.163, A.62, A.34, A.1, A.126). A Convention would impose constraints on the industry, when support was needed. He added that existing ILO Core Conventions already covered the platform economy, mostly, and remaining gaps did not yet need to be closed.

61. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Convention supplemented by a Recommendation was necessary to ensure that workers could fully exercise their rights, enjoy social protection, and contribute to fair competition in the business sector.

62. The Government member of New Zealand supported the amendment (A.163, A.62, A.34, A.1, A.126). A Recommendation would allow governments to promote decent work in the platform economy in ways best suited to their legal and employment systems. An international labour standard should be principles-based and not overly prescriptive.

63. The Government member of Uruguay did not support the amendment (A.163, A.62, A.34, A.1, A.126). Setting standards was the main tool at the ILO’s disposal to carry out its mandate to improve working conditions and ensure the just distribution of the fruits of progress, as per the ILO Constitution and Declaration of Philadelphia. The adoption of a new Convention and Recommendation would bring the ILO’s body of standards up to date to address the new forms of work and the new challenges to decent work and equality catalysed by the platform economy.

64. The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment (A.163, A.62, A.34, A.1, A.126). Most platform workers were self-employed, and a Recommendation could flexibly guide countries in addressing technological developments in the platform economy.

65. The Government member of Norway did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Convention supplemented by a Recommendation would level the playing field globally.

66. The Government member of Mexico did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Convention supplemented by a Recommendation would provide a framework to legislate at national level.

67. The Government member of Australia did not support the amendment (A.163, A.62, A.34, A.1, A.126). Gaps existed in the current international labour standards for the platform economy that needed to be filled. Regulating platform work did not stifle innovation. The guidance of a Recommendation alone was insufficient, and flexibility could also be achieved through a principles-based Convention.

68. The Government member of Chile did not support the amendment (A.163, A.62, A.34, A.1, A.126). Platform work was the subject of international discussion precisely because it was urgent, given the risks at work and the lack of standardized working conditions. A common international normative framework would help curb unfair competition between countries, particularly where national laws were absent.

69. The Government delegate of Switzerland, supported the amendment (A.163, A.62, A.34, A.1, A.126). A Convention could not encompass the diversity of the platform economy and of national contexts.

70. The Government member of Barbados did not support the amendment (A.163, A.62, A.34, A.1, A.126). Protecting workers and encouraging innovation were not mutually exclusive. Innovation contributed to economic growth, but workers should not become collateral damage in the pursuit of innovation. International labour standards served to protect workers, at home and abroad. The instrument should be a concise Convention that addressed gaps in protection, including occupational safety and health and dispute resolution across borders, without being overly prescriptive. A Recommendation should accompany the Convention to offer guidance for business operations and support innovation while safeguarding basic workers' rights.

71. The Government member of Kiribati did not support the amendment (A.163, A.62, A.34, A.1, A.126). She noted the importance to having a legally binding instrument that protected the workers.

72. The Government member of Colombia did not support the amendment (A.163, A.62, A.34, A.1, A.126). There was a need to protect men and women who were currently working under conditions where their fundamental rights were not safeguarded. A Convention supplemented by a Recommendation would help guide countries that had no regulation.

73. The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment (A.163, A.62, A.34, A.1, A.126). Small Island Developing States sought protection against threats faced by workers and emphasized the need to safeguard fundamental rights.

74. The Government member of Japan supported the amendment (A.163, A.62, A.34, A.1, A.126). It was too soon for a Convention. A Recommendation would allow flexibility for each country to choose the approach that best suited them.

75. The Government member of Argentina supported the amendment (A.163, A.62, A.34, A.1, A.126). Recommendations were used in case of doubt about the efficacy or content of a proposed instrument, the level of protection it could offer, or the varying levels of development among countries, which could hinder the adoption of a Convention. International standards should propose norms that were clear, precise and coherent. The proposed instrument did not provide sufficiently clear norms to be adopted as a Convention.

76. The Government member of Canada did not support the amendment (A.163, A.62, A.34, A.1, A.126). Many jurisdictions were seeking ILO guidance, and a Convention and Recommendation could ensure innovation and decent work progressed together and created a level playing field.

77. The Government member of Nigeria did not support the amendment (A.163, A.62, A.34, A.1, A.126). A Recommendation might lack the legal weight to ensure fair labour practices.

78. The Government member of the United Kingdom did not support the amendment (A.163, A.62, A.34, A.1, A.126). He called for a Convention supplemented by a Recommendation, noting, however that the instrument's scope and definitions should remain proportionate and compatible with domestic frameworks based on employment status.

79. The Government member of the United States cautioned that a binding Convention could have unintended consequences. California Assembly Bill 5 (AB 5) for example had intended to protect platform workers by reclassifying them as employees, but the rigid approach failed to capture diversity of the workforce, slowing innovation and requiring the creation of numerous legal exceptions.

80. The Employer Vice-Chairperson cautioned that overregulation would cause job losses and disproportionately affect local and regional platforms and MSMEs, who made up the bulk of the platform economy. Moreover, a binding standard could interfere with commercial relationships, which fell outside of the ILO's mandate. Digital labour platforms could also promote formalization, for example through digital records. The ILO fundamental Conventions already established the level playing field desired by all. To reach consensus, a principle-based Recommendation was the most effective path forward. Working towards a Convention could result in failed negotiations, as was the case for the standard-setting discussion on contract labour.

81. The Worker Vice-Chairperson noted the desire of many Government members to have a binding instrument flexible enough to be adapted to national contexts. It was indeed within the ILO's mandate to regulate and improve working conditions. Although there was diversity in the platform economy, all platform workers faced very similar decent work deficits. Growth and innovation were not incompatible with workers' rights and could not come at their expense. While recognizing digital tracking as a formalization tool, formalization meant ensuring workers had full access to labour and social protection. She noted that California Assembly Bill 5 (AB 5) was adopted through a democratic process, and had faced challenges once adopted because platform companies fought against it. Adopting a Convention would not undermine or target digital labour platforms that operate responsibly and contribute positively. Instead, a Convention would address forms of work that failed to meet decent work standards and guide the growth of the platform economy in a way that upheld workers' rights.

82. The Government members of Switzerland and the United States cautioned that a Convention risked being too prescriptive, and considered that the remaining content of the proposed Conclusions should be discussed first before taking a decision on the form of the instrument.

83. The Government member of China noted broad support for a Recommendation.

84. The Government member of Namibia, speaking on behalf of the Africa group, did not wish to postpone the decision on the form of the instrument.

85. The Government member of Brazil and the Worker Vice-Chairperson did not think it wise to first discuss the content of the instruments and then return to decide on their form. Content very much depended on the form of the proposed instrument or instruments.

86. Observing that there was no consensus in the room, the Employer Vice-Chairperson introduced a motion to postpone the decision on the form of the instrument until the introductory paragraphs of the proposed Conclusions, namely points 3 to 11, had been discussed. The objective was to reach a consensus, and the best means of achieving that was to first examine critical elements such as the definition, scope and other issues before deciding on the form of the instrument, and to avoid initiating negotiations with a vote.

87. The Worker Vice-Chairperson did not support the motion. The sense in the room was against the amendment (A.163, A.62, A.34, A.1, A.126) and in support of a Convention supplemented by a Recommendation. It would be difficult to engage in a discussion on the provisions without first establishing the form of the instrument.

88. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the motion. There were many Government members that had expressed support for a Convention supplemented by a Recommendation. Postponing the discussion would further complicate negotiations.

89. The Government members of Barbados, speaking on behalf of the CARICOM countries, Brazil, Colombia, Grenada, Mexico, Namibia, speaking on behalf of the Africa group, South Africa, and Uruguay, did not support the motion. It was very difficult to discuss the content of an instrument without first establishing its form.

90. The Government member of United States supported the motion. Greater clarity was needed on the scope, definition and content of the instrument before taking a decision on its form. The discussion of the form of the instrument should therefore be postponed until certain core concepts were settled, including what constituted a digital labour platform, whether the instrument should apply beyond employment relationships, and how prescriptive the obligations should be.

91. The Government member of China supported the motion. While a count of Member States might show support for both a Convention and a Recommendation, countries with significant numbers of platform workers, such as China, India, the Republic of Korea and Japan, supported a Recommendation. Deferring the discussion would help achieve consensus.

92. The Government member of Australia did not support the motion. He supported a Convention supplemented by a Recommendation because it was compatible with a flexible and principles-based approach. He observed that consideration of the scope of the instrument was ordinarily structured to occur once a decision on the form of the instrument was taken so parties could consider the desired scope in light of that threshold decision. He pointed to advice from the Office that such an approach had only occurred on one other occasion and it would be helpful to understand what was so distinctive about this discussion that a different approach was required. He also pointed to the availability of exceptions under the proposed Office text in the event that the Committee's ultimate landing point was not suitable for their national circumstances. He thus encouraged further dialogue with a view to reaching consensus, rather than deferring the debate.

93. The Government members of Costa Rica, India, Indonesia, Japan and Oman, speaking on behalf of the GCC countries, supported the motion.

94. The Government member of the United Kingdom did not support the motion. He reiterated support for a Convention supplemented by a Recommendation and the need to ensure that the scope and definition were proportionate and adaptable to national regulatory frameworks.

95. In the spirit of compromise, the Government member of the United States proposed a shorter deferral until after point 3, rather than postponing the discussion until point 11.

96. The Government member of Switzerland too considered it more appropriate to postpone the discussion on the form of the instrument at least until after the proposed definitions contained in point 3 had been examined, since the form depended on them.

97. The Government member of Chile cautioned against bracketing point 2. Defining an implementable instrument was important to support national regulatory efforts.

98. The Government member of Spain stated that the content of the proposed Conclusions had already been widely contemplated in the lead up to the International Labour Conference and that it would be inappropriate to proceed without first addressing the form of the instrument. A Convention and Recommendation were needed to ensure rights for platform workers and to enable companies to benefit from free competition.

99. The Government member of Canada did not support the motion. A decision on the form of the instrument was necessary to establish a clear and certain context in which to debate its content. Postponing the decision on the form of the instrument could also establish a precedent.

100. The Government member of Mexico supported a Convention supplemented by a Recommendation.

101. The Employer Vice-Chairperson requested clarification from the Office on whether there was a precedent for the Committee to first decide on the content and then the form of the instrument in previous standard-setting discussions at the International Labour Conference.

102. The representative of the Secretary-General recalled that, while the common practice was to decide on the form of the instrument before discussing its content, during the standard-setting discussion on the Violence and Harassment Convention, 2019 (No. 190), the Committee had indeed deferred its decision on the form and number of instruments until after scope and definitions had been decided. As later clarified however, at that time, there was a clear lack of agreement in the Committee on the form and of the instrument or instruments.

103. The Worker Vice-Chairperson stated that the precedent did not alter the current context, as the balance of views in the room clearly supported deciding on the form of the instrument before proceeding further.

104. The Employer Vice-Chairperson, noting the difference of positions in the room, and reiterating the Employers' group commitment to finding solutions, amended her motion to defer the decision on the form of the instrument until discussing point 3, which covered key definitions.

105. The Worker Vice-Chairperson did not support the amended motion. There was no indication of support from the majority of Government members to move on to the substance of the instruments.

106. The Worker Vice-Chairperson raised a point of order, noting that the discussion on the motion earlier proposed by the Employers' group to defer the discussion of the form of instrument until after point 11 had yet to be closed.

107. The Chairperson clarified that, although the majority of Government members had not supported the original motion, the motion had now been amended, so it was important to confirm whether Government members had changed their positions.

108. The Government members of Australia, Barbados, Colombia, South Africa, Malawi, Mexico, Nigeria, and Uruguay did not support the amended motion, reaffirming their desire to decide on the form of the instrument before moving to its content.

109. The Government members of Argentina, China, India, Oman, speaking on behalf of the GCC countries, Switzerland, Türkiye, and United States supported the amended motion, highlighting their desire to reach consensus.

110. The Government member of Peru supported the amended motion, emphasizing that ILO Recommendations offered a technical and ethical basis on which public policies could be adapted to national contexts. There was sufficient time to return to the issue later and the space for social dialogue should be preserved.

111. The Employer Vice-Chairperson withdrew the amended motion and motion for postponing consideration of point 2, which had not been supported by a majority of governments. There was still a need to reach consensus on the form of the instrument, however.

112. The Government member of Paraguay said that a Recommendation would be more effective as it would be more easily applied in the context of domestic legislation. A Convention might not receive the necessary number of ratifications.

113. The Worker Vice-Chairperson as well as the Government members of Brazil and Mexico observed that many countries were in favour of a Convention supplemented by a Recommendation and that it was not necessary to discuss point 2 any further.

114. The Government member of Nigeria asked the Chairperson for clarification on the implication of the motion that had been withdrawn by the Employers and requested guidance on how to proceed.

115. The Chairperson explained that withdrawal of the Employers' group's motion meant that the discussion on point 2 should resume, along with the original set of amendments proposed by Governments and groups.

116. The Government member of China stressed that there had been no consensus on point 2 and that rushing to conclude the point would result in imbalances in the way forward. Some countries had a large presence of platform workers and could feel a lack of ownership of the resulting standard if a hasty decision was taken.

117. The Government member of Malaysia supported the goal of promoting decent work in the platform economy and expressed preference for a Recommendation, as it would allow countries the flexibility to develop standards tailored to their national context, especially in balancing the flexibility of platform work with fair income, effective dispute resolution and comprehensive social protection.

118. The Government member of the United States, while acknowledging and respecting the diversity of views, noted a lack of consensus. He sought clarification from the Office on the definition of consensus, which in his understanding meant that there was no opposition to a given decision, and not about reverting to a vote. The form of the instrument was of the utmost importance, and he welcome the opportunity for continued dialogue.

119. The representative of the Secretary-General explained that consensus did not imply unanimity and could be achieved even in the presence of diverse views. However, consensus was only possible in the absence of major objections. If major objections remained, the way forward was a vote, but it was preferable to seek dialogue and achieve consensus.

120. The Government member of Nigeria indicated that he sensed a clear lack of consensus and that the potential for continued constructive engagement was limited. He proposed two possible ways forward: first, adjourning the meeting to allow groups time to discuss and reflect; second, proceeding with a vote, while cautioning that a vote so early in the process might lead to more votes later in the discussion. It was important to use the limited time available wisely, noting that the appetite in the room for continued engagement at that point was low.

121. The Worker Vice-Chairperson stated dialogue was a priority, but that if a vote was needed to move forward, it should be done.

122. The Employer Vice-Chairperson stated that she would keep engaging in a constructive manner, in the spirit of consensus and to avoid a vote.

123. The Government member of India reiterated support for a Recommendation and emphasized the importance of reflecting the experiences of millions of platform workers in India and across the Asia and Pacific region. He expressed concern about reaching a decision on the form of instrument based on headcount, without a comprehensive understanding of the needs, aspirations and livelihoods of this growing segment of the global workforce.

124. The Government member of the Philippines supported a principles-based Convention supplemented by a Recommendation, allowing for structure and adaptability. Binding obligations were needed to integrate protections into national law, while a Recommendation would provide practical guidance and address the specific vulnerabilities and challenges faced by platform workers.

125. The Government member of the United States noted that the accelerated and simplified amendment procedure outlined in the proposed Conclusions reflected that it was premature to consider a binding standard, reinforcing the case for a Recommendation.

126. The Government member of Brazil emphasized the importance of adopting a Convention. Many countries were in the process of developing regulations related to the platform economy. The absence of clear standards risked exposing millions of workers to vulnerabilities. A Convention, whether based on general principles or accompanied by a Recommendation, would carry symbolic weight and provide a practical framework to guide national legislation and regulatory action, while allowing for adaptation to national contexts.

127. The Government member of China cautioned against rushing the decision on the form of the instrument. The current wording of the proposed Conclusions did not address the need for flexibility. The appropriate way forward would be to examine key substantive provisions before determining the appropriate form of the instrument.

128. The Government member of Pakistan stated the need for a Convention, citing the country's expanding digital economy and the increasing number of platform workers in need of legal protection. Concerns about work-related injuries affecting riders, for example, had been raised at the Conference Committee on the Application of Standards. A Recommendation would be insufficient to address the scale and urgency of these issues.

129. The Government member of Argentina proposed a Convention with a dual structure, with a first part setting out general principles applicable to all workers, and a second part offering more detailed provisions with flexibility for national implementation. Such a format, in which governments could choose to ratify either or both parts of the Convention, would accommodate country-specific circumstances, while promoting dignity and protection for platform workers.

130. The Government member of Grenada, speaking on behalf of the CARICOM countries, supported a Convention supplemented by a Recommendation. An international framework was needed to ensure the protection of fundamental rights while allowing flexibility in implementation.

131. The Government member of Mexico confirmed support for a Convention supplemented by a Recommendation and welcomed the proposal put forward by the Government member of Argentina.

132. The Government member of Singapore acknowledged the divergence between the Employers' and Workers' groups and proposed beginning with a Recommendation first. This approach could help build consensus.

133. The Government member of Australia acknowledged concerns regarding the difficulty of deciding the form of instrument without first examining its content but considered the question of form to be one of principle. Given the evolution and growing impact of the platform economy, a binding standard was necessary. A Convention supplemented by a Recommendation would offer a baseline standard while enabling flexibility and space for innovation.

134. The Government member of Peru supported a Recommendation, while remaining open to proposals that could enable consensus including the proposal put forward by the Government member of Argentina of a Convention with a dual structure.

135. The Government member of Türkiye supported a Recommendation emphasizing the need for flexibility considering the rapid evolution of the platform economy and diversity of national legal systems. A non-binding Recommendation would allow governments to regulate platform work without creating binding legal obligations that might not align with national contexts.

136. The Government member of Oman supported a Recommendation, citing the rapid pace of technological change, particularly artificial intelligence, which was transforming the world of work. A Convention may not adapt quickly enough, while a Recommendation could offer the flexibility needed.

137. The Government member of Chile supported a Convention supplemented by a Recommendation. A Convention could establish general principles, with the Recommendation offering more detailed guidance and providing flexibility.

138. The Government member of Norway supported a Convention supplemented by a Recommendation, aligning with the statement of the Government member of Australia.

139. The Government member of Namibia, speaking on behalf of the Africa group, reiterated support for a Convention supplemented by a Recommendation.

140. The Government member of Nepal supported a Convention supplemented by a Recommendation, noting the rapid growth of the platform economy which was affecting, in particular, youth, women and returning migrants. While offering opportunities, it also presented challenges, including informal work arrangements, irregular incomes, and limited access to grievance mechanisms. Technical assistance and capacity-building would support developing countries in the effective implementation of such a standard.

141. The Government member of Japan reiterated support for a Recommendation. The wide range of views expressed revealed that the adoption of an approach that provided maximum flexibility, would be the best way to secure broad consensus and enable governments to address the platform economy according to their national circumstances.

142. The Government member of Poland, speaking on behalf of the EU and its Member States, noted that while members had highlighted the impact of rapidly developing technologies such as artificial intelligence, the platform economy was at least 15 years old. He reiterated his support for a Convention supplemented by a Recommendation and encouraged members to consider further amendments to narrow the scope of the instrument, recognizing the different types of employment relations between platforms and workers.

143. The Government member of Colombia supported a Convention supplemented by a Recommendation. Technology and artificial intelligence were having an increasing impact on trade, markets and employment relationships. The majority in the room appeared to be in favour of a Convention with no majority opposition and therefore it was appropriate to move forward on this basis.

144. The Worker Vice-Chairperson noted that support for a Convention supplemented by a Recommendation had strengthened over the course of the discussion, with a preference for a flexible, principle-based Convention that could take account of national circumstances.

145. The Employer Vice-Chairperson acknowledged that the dialogue in the room had been constructive but cautioned against pressure to make a decision. She requested clarification from the Government member of Argentina on his proposal.

146. The Government member of Argentina recalled that his delegation had initially preferred a Recommendation rather than a Convention, but that to move beyond the impasse and arrive at an instrument that was transparent, flexible and useful to all, he proposed a Convention consisting of two parts. Part One could set out general principles grounded in human rights, social protection and other aspects to be defined. Part Two could include more detailed provisions, reflecting many of the points currently contained in the draft, while taking into account the reservations voiced earlier in the discussion. The instrument would apply to all platform workers, regardless of their status in employment, in line with those rights already provided for in international treaties and in the ILO Conventions. When ratifying, Member States would then have the option of accepting either Part One or Part Two independently, such as for the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), the Social Security (Minimum Standards) Convention, 1952 (No. 102), or the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153).

147. The Worker Vice-Chairperson expressed concern about the lack of progress in reaching consensus on point 2. The ongoing divergence of views on the form of the instrument was preventing the Committee from engaging in discussions on how to ensure the instrument would be principle-based, flexible, responsive to national circumstances and protective of workers.

148. The Employer Vice-Chairperson recalled that many Government members had supported a Recommendation, while others had favoured a Convention and a Recommendation, provided they were principle-based and flexible. The proposed Conclusions, however, were lengthy and prescriptive, departing from a principle-based approach. Given this discrepancy, and to build consensus on the most appropriate form of the instrument, she proposed that the Committee discuss what a principle-based instrument would look like. Without such alignment, there was a risk that the standard-setting process would result in the same outcome as that on contract labour.

149. The Government member of Mexico, speaking on behalf of Barbados, Brazil, Chile, Colombia, Grenada and Uruguay, noted that a majority of Member States supported the adoption of a Convention supplemented by a Recommendation, which would allow for agreement on shared principles while remaining adaptable to national regulatory contexts. He valued the Employers' group proposal on the principles that should guide the instrument, however that debate should take place through social dialogue and on the basis of the proposed Conclusions, and not be treated as a prerequisite for determining the form of the instrument. He asked the Employers' group to recognize the clear majority in favour of a Convention supplemented by a Recommendation, in the spirit of consensus as defined in article 21 of the Standing Orders. If that was not possible, he requested that the Committee proceed to a vote on the amendment (A.163 A.62, A.34, A.1, A.126) in line with article 42 of the Standing Orders.

150. The Government member of Indonesia stated that the divergence of views on the form of the instrument reflected the complexity of the issue, the diversity of national contexts, and the depth of collective engagement. Consensus could only be achieved once there was a shared understanding of key elements such as the instrument's definition, scope, and technical parameters, which were crucial for its national relevance and applicability. She called on the Committee to maintain momentum by exploring compromise formulations that could garner broad support without pre-empting the final decision on the form of the instrument.

151. The Government member of Poland, speaking on behalf of the EU and its Member States, acknowledged the efforts of the Employers' group to promote a common understanding within the Committee. However, the question of the form of the instrument had already been extensively discussed, and the appropriate way forward was to move on to the discussion of the draft text prepared by the Office.

152. The Government member of the United Kingdom reiterated his support for a Convention supplemented by a Recommendation, while ensuring that the scope and definitions of the instruments were proportionate and reasonable, and adaptable to domestic regulatory framework.

153. The Government member of China reiterated his strong support for the adoption of a Recommendation. The proposed Conclusions lacked the flexibility expected of a principle-based instrument. The text was overly prescriptive, particularly in its definitions and provisions related to fundamental principles and rights at work, social security and other specific requirements. A key principle was also missing, namely that the instrument should not interfere with civil or commercial relationships. While recognizing that a vote might be inevitable, he affirmed there was still room for constructive discussion.

154. The Government member of Australia reiterated his support for a Convention supplemented by a Recommendation, stressing the importance of binding standards that would establish a baseline across countries, while not being overly prescriptive. In a principle-based approach, principles should be articulated in a manner that was clear, robust, and capable of flexible application across diverse national contexts, sectors and contractual relationships, while addressing decent work deficits. The Recommendation would provide supplementary guidance on best practice that may be implemented in accordance with national practice. Broadly speaking, the Office's text provided an appropriate split between the Convention and Recommendation. He was open to discussing the division of content between the Convention and the Recommendation to better reflect such a principle-based approach.

155. The Government member of the United States underlined that there was no impasse in the discussion of the Committee and that there was no need for a vote. Continued dialogue on the idea of a principle-based approach could help to bridge the remaining differences. He requested a brief caucus to achieve this goal.

156. The Chairperson stated that there seemed to be no consensus on the form of the instrument. Most Government members and the Workers' group had favoured a Convention supplemented by a Recommendation. A vote had been requested and as per the Standing Order, he asked the Office to explain the procedure for such a vote.

157. The representative of the Secretary-General explained that article 42(2) of the Standing Orders stated that "In the absence of a consensus duly ascertained by the Chairperson in agreement with the Vice-Chairpersons, decisions shall be taken by a simple majority of the votes cast by the members of the committee present at the sitting."

158. The Employer Vice-Chairperson opposed the view that there was no more option of finding consensus and hence objected to the request for a vote. The proposal for a caucus by the Government member of the United States should be duly considered, as it could offer another avenue for consensus.

159. The Government member of the United States reiterated his request for a caucus, which India supported.

160. The Government member of Barbados observed a record vote would allow the Committee to move forward on the form of the standard without precondition.

161. The Worker Vice-Chairperson appreciated efforts to reach consensus but considered that a limit had been reached.

162. The Employer Vice-Chairperson asked to confer with the Worker Vice-Chairperson in an effort to achieve consensus and avoid a vote, to which the Worker Vice-Chairperson did not agree

163. In an effort to achieve consensus, the Worker Vice-Chairperson invited the Government members of Japan, Switzerland, Türkiye and the United States, to withdraw their amendment (A.163, A.62, A.34, A.1, A.126) to avoid a vote and allow the Committee to move forward.

164. The Government member of the United States, after consultation with the co-sponsors of the proposed amendment and proponents of similar amendments, reported that the co-sponsors considered inappropriate to withdraw the amendment due to the perception of a threat of a forced vote. The Government members of India, China, Malaysia, and the Employer Vice-Chairperson similarly stated they would not withdraw their amendments (A.62, A.34, A.1, A.126). The Employer Vice-Chairperson also stated that if the Committee proceeded to a vote, it should be a record vote.

165. The Chairperson then announced that he would follow the Standing Orders and proceed to a vote. The Office proceeded to explain the process.

166. The Government member of Poland, speaking on behalf of the EU and its Member States, raised a point of order and requested to postpone the vote for an hour so that all Government members registered to the Committee could exercise their votes.

167. The Government member of the United States requested clarification from the Legal Adviser as to whether a point of order could be taken after a vote had been called, and at which point the vote officially started.

168. The Legal Adviser confirmed that a point of order could be addressed before the vote took place, and that in the present situation the vote had not started, as the Office was still only providing its explanation regarding the procedure. The vote will have begun when Committee members were asked to express their vote.

169. The Government member of China requested clarification from the Office as to whether the delegates sitting in the room reached the quorum. If so, the vote should proceed immediately.

170. The Legal Adviser clarified that, according to article 43(1) of the Standing Orders, a quorum was not based on presence, but rather based on participation in the vote, which could only be assessed after the vote.

171. The Employer Vice-Chairperson requested that each vote cast by each voting delegate be recorded in the summary of proceedings.

172. The Worker Vice-Chairperson requested clarification from the Office as she thought a vote by show of hands was supposed to take place before a record vote.

173. The Legal Adviser stated that article 42(5) of the Standing Orders allowed for an immediate record vote if requested by a group, as the Employers' group had.

174. The Employer Vice-Chairperson did not agree to the break requested by the Government member of Poland on behalf of the EU and its Member States, and asked the Committee to be consistent in their desire for expediency.

175. The Government members of Australia, Brazil, Chile, Colombia, Mexico, the United Kingdom and Uruguay noted that the Committee had agreed to providing ample time for the Employers' group to caucus in the proceedings so far, and considered it was appropriate for other constituents to receive the same dispensation. Many Government delegations were small and stretched between Committees or at meetings at their respective missions. Allowing for the presence of more Government members was a matter of diplomatic courtesy and democratic accountability.

176. The Employer Vice-Chairperson, while initially opposed to postponing the vote by one hour, agreed to the request of the Government member of Poland on behalf of the EU and its Member States in the spirit of consensus, expressing her understanding for the constraints faced by developing countries and small diplomatic missions in Geneva.

177. The Committee proceeded to a record vote. During the vote, the Employer Vice-Chairperson called a point of order noting that there were eight regular members of the Employers' group, and not six as had been called to vote.

178. A representative of the Secretariat confirmed that there were six registered regular members in the Employers' group of the Committee. She further clarified that the number of registered regular members would not change the total weight of the Employers' group's votes due to the equal weighting power attributed to each group and then indicated the continuation of the vote.

179. The Employer Vice-Chairperson asked the Office to clarify the cause of the discrepancy before proceeding with the vote to ensure the right to vote of all regular Employer members and ensure the validity of the vote in progress and avoid further misunderstandings.

180. A representative of the Secretariat stated that the record voting procedure would continue while the Office worked to resolve the matter, and that the results of the vote would only be announced thereafter.

181. The Employer Vice-Chairperson agreed to the proposal.

182. A representative of the Office of the Legal Adviser explained that two regular Employer members had not registered at the Conference and therefore had not acquired Committee membership. As a result, their personal substitutes were not eligible to vote. Accreditation and registration were two different things: accreditation referred to the receipt of credentials from the corresponding Member States. If an Employer, whether a delegate or adviser, obtained those credentials, the person was accredited. In order for them to exercise participation rights such as the right to vote, physical presence at the Conference was also required. In practice, Committee membership was not considered active if the person had not collected their badge. Personal substitutes were designated to allow delegates to participate in multiple Committees without losing the capacity to vote when needed. In line with long-standing practice in the application of article 36(3) of the Standing Orders, they were not meant to substitute accredited members who were not present at the Conference at all.

183. Put to a vote, the amendment (A.163) to point 2 of the proposed Conclusions, which sought to replace "a Convention supplemented by a Recommendation" with "a Recommendation" and thus would read as "The standards should take the form of a Recommendation", was not adopted. The amendment received 1,064 votes in favour; 1,480 against; and 32 abstentions. The required quorum was attained. [4]

[4] The results were as follows:

In favour of the amendment: Saudi Arabia, Argentina, Bangladesh, China, Costa Rica, United Arab Emirates, United States of America, India, Japan, Kuwait, New Zealand, Oman, Pakistan, Panama, Paraguay, Qatar, Switzerland, Türkiye. The members of the Employers' group also voted in favour of the amendment.

Against the amendment: South Africa, Algeria, Germany, Australia, Austria, Barbados, Belgium, Belize, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Cyprus, Colombia, Côte d'Ivoire, Croatia, Denmark, Spain, Estonia, Finland, France, Gabon, Ghana, Greece, Grenada, Guinea, Honduras, Indonesia, Ireland, Iceland, Italy, Jamaica, Kenya, Kiribati, Lesotho,

184. The amendment (A.163, A.62, A.34, A.1, A.126) was not adopted.

185. Point 2 was adopted.

186. The Worker Vice-Chairperson welcomed the results and expressed appreciation for the strong support shown by Government members for the adoption of a Convention and a Recommendation, acknowledging that this was the beginning of a longer process. The real beneficiaries would be millions of platform workers who would now have a binding legal instrument. The process of reaching the decision had reflected the strength of the ILO and tripartism: the Committee had tried extensively to reach a consensus through social dialogue, and, when all avenues had been exhausted, it resorted to a democratic process. She would continue working constructively with the Employers' and Government groups in the spirit of social dialogue.

187. The Employer Vice-Chairperson requested that her group's statement be entered into the record in full:

> Chair,
>
> Distinguished Colleagues,
>
> Let me begin by acknowledging the outcome of the recorded vote, and I respectfully request that my statement be entered into the record, in full.
>
> First, we want to express our strong concerns about the fact that the Secretariat wanted to proceed in this vote when there was a discrepancy regarding the Titulars of the Employers Group. Before having resolved the discrepancy, the Office wanted to proceed twice, saying it would not make a difference. The Office assumed what our outstanding titulars would vote. This is not acceptable.
>
> Colleagues, what has just unfolded in this room is, in our view, deeply troubling — not only for this Organisation, but for the very principles it stands upon.
>
> As the Employers' Group, we hold firm to the values that have long defined this House: social dialogue, tripartism, and above all, consensus. Today's vote marks a collective failure. And let us be clear — this failure will not simply affect the direction of this Convention and Recommendation. It sends a troubling signal to the world about the unity and integrity of this Organisation.
>
> The Employers Group wants the record to reflect that this Committee had not exhausted all options to reach consensus before taking this vote, despite our many attempts to promote this approach. This is clearly going against the standing orders. This issue is not an isolated case; our Group has faced over the past three days similar situations where our Group has been sidelined and this is unacceptable. The Employers want to be very clear that we will not accept any further attempts to disregard the rules of the Conference.
>
> No one — no group, no constituent — has emerged victorious from this outcome. We are profoundly disappointed. And we are compelled to voice, in no uncertain terms, our serious concerns as we move forward.
>
> So what, then, does this vote reveal? And what consequences does it now set in motion?
>
> First, the foundation for our forthcoming discussions is as unstable as it could be. While we acknowledge the result, we cannot ignore the truth: this instrument has been launched on a

Luxembourg, Malawi, Mali, Malta, Mexico, Namibia, Niger, Nigeria, Norway, Netherlands, Philippines, Poland, Portugal, Republic of Korea, Democratic Republic of the Congo, United Republic of Tanzania, Romania, United Kingdom of Great Britain and Northern Ireland, Senegal, Slovakia, Slovenia, South Sudan, Sweden, Czechia, Togo, Tunisia, Uruguay, Zambia, Zimbabwe. The members of the Workers' group also voted against the amendment.

The Government members of the following countries abstained from the vote: Cambodia, Peru, Singapore, Trinidad and Tobago.

fractured base, devoid of the consensus that should have anchored it. That division will haunt the credibility, reception, and eventual fate of this instrument.

Second, let us not forget that the countries with the vast majority of platform workers, along with many platforms themselves and other governments, have made it clear — they do not support a binding standard. The results of the vote was close. The future of this instrument is therefore tied to a framework that lacks both consensus and broad ownership.

Third, and perhaps most critically, with this vote, we are now going down a dangerous path. We know that voting tends to create an atmosphere for additional voting. It creates a culture of rejecting consensus, which is not in line with the spirit of this house. This is particularly troublesome, given that the current draft is riddled with ambiguities, unrealistic provisions, and a disconcerting vagueness about the responsibilities of the different parties. This will have serious implications negotiation process ahead and possible future votes. And let me be clear: our Group will respond accordingly.

Colleagues, allow me to conclude with this:

We will engage — as we always have — constructively. But let there be no doubt: the Employers have asked for flexibility, first on our motions to postpone and then for time to speak to the Worker Vice Chair to avoid a vote. While we have shown flexibility in allowing governments to consult with capitals, our asks for flexibility have been disregarded. Again, going forward our Group will have to act accordingly.

If this instrument is to succeed, it must be balanced. It must unlock opportunity, not obstruct it. It must take a principle-based approach and allow for different country contexts.

We have heard many governments, and even workers, speak out in favour of a principles-based instrument. The Employers' Group expects this approach to guide our negotiations in the future.

Thank you.

188. The Government member of Peru explained his vote to abstain because of a lack of consensus in the room, as well as his Government's preference for a Recommendation. A Recommendation would serve as an initial framework to orient national efforts rooted in technical and ethical principles, and consistent with decent work and fundamental rights.

189. The representative of the Holy See welcomed the exchange of views despite divergent positions, stressing that dialogue was essential to establishing shared standards. He emphasized the need to protect all workers and ensure that the dignity of labour was upheld. He called on all constituents to continue engaging in open and constructive dialogue to ensure decent work in the platform economy.

Point 3

190. The Employer Vice-Chairperson withdrew an amendment (A.65) to the introductory sentence of point 3, which had proposed replacing the word "standards" with "standard", so as to read: "For the purpose of the standard."

Point 3(a)

A.66, A.2 and A.90

191. The Employer Vice-Chairperson introduced an amendment (A.66) to clause (a) of point 3 to delete the words "natural or" before "legal person", so as to read: "the term 'digital labour platform' means a legal person that organizes, in whole or in part, through digital technologies, the provision of a service." The definition was intended to refer to companies, not individuals. Including "natural person" could create confusion and inadvertently include individuals, who organize their own services.

192. Identical amendments were submitted by the Government members of China (A.2) and the United States (A.90). The Government member of China explained that their national legislation did not refer to "natural persons" in this context. The Government member of the United States added that, unless the wording was changed, the instrument could unintentionally cover not only platforms but also platform workers. For instance, a driver using a smartphone to provide transport services for remuneration might be seen as organizing a service, thereby falling under the definition of a digital labour platform.

193. The Worker Vice-Chairperson did not support the amendment (A.66, A.2, A.90) and supported the original text proposed by the Office. She noted that the phrase "natural or legal person" was standard in many ILO instruments and legal systems. She did not believe the definition would be interpreted as including workers.

194. The Government member of Mexico did not support the amendment (A.66, A.2, A.90). The phrase "natural or legal person" better reflected the range of potential platform organizers.

195. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment (A.66, A.2, A.90). In certain jurisdictions natural persons could pursue business activities without assuming legal personality. He proposed a subamendment to keep the words "a natural" before "or legal person," and adding thereafter "in accordance with national law or practice".

196. The Government members of Barbados and Grenada expressed a reservation regarding the use of the term "natural". In Barbados, businesses often evolved in such a way that an individual might register a business name before incorporating it, meaning that the business would not yet be recognized as a separate legal person. It was important to ensure that the concept of a digital labour platform encompassed such businesses that might not yet be a legal person, without inadvertently covering individuals as workers.

197. The Government member of the United Kingdom supported the subamendment introduced by the Government member of Poland on behalf of the EU Member States.

198. The Government member of China introduced a further subamendment to the subamendment introduced by the Government member of Poland on behalf the EU Member States to retain the words "natural or legal person" and to replace "in accordance with national law or practice" with the words "where national law or practice is applicable". The intention was to clarify when national legislation would apply. If a category of natural person engaged in platform-related businesses existed, then the relevant national legislation would govern the matter. However, in cases where domestic legislation was still evolving and made no specific reference to natural persons, the provisions would apply solely to legal persons.

199. The Employer Vice-Chairperson seconded the subamendment introduced by the Government member of China.

200. The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of China, but did support the subamendment proposed by the Government member of Poland on behalf of the EU Member States.

201. The Employer Vice-Chairperson noted that the term "natural", even with qualifying language, still posed the risk of unintentionally including individuals, which was not the intention of the definition. The aim was to capture companies, and it was important to avoid potential risks to entrepreneurs. Should individuals fall within the scope of the instrument, they would be expected to implement its nearly 80 provisions. Moreover, the term "natural or legal person" had only appeared in one ILO Convention, while “physical or legal person” had been used only twice.

202. The representative of the Secretary-General clarified that the term natural or legal person was used in the Private Employment Agencies Convention, 1997 (No. 181), whereas “physical or legal person” was used in the Safety and Health in Construction Convention (No. 167) and Recommendation (No. 175), 1988, and in the Safety and Health in Mines Convention, 1995 (No. 176).

203. The Government members of Belize, India, and the United Kingdom supported the subamendment introduced by the Government member of Poland on behalf of the EU Member States as it provided appropriate legal clarity.

204. The Government member of Poland, speaking on behalf of the EU and its Member States, asked the Office to clarify if the wording proposed in his group’s subamendment did in fact serve to specify when national law would apply. If so, perhaps the Government representative of China would consider withdrawing his subamendment to achieve that end.

205. The representative of the Secretary-General confirmed that the expression “in accordance with national law or practice” was widely used in international labour standards and would address the concerns raised by the Government representative of China because the expression “in accordance with national law and practice” would mean that, in those countries in which digital platforms can only be legal entities, the provisions in the Convention would apply only to those platforms that were legal entities, while in other countries, it would leave room for an inclusive approach.

206. The Government member of China, proposed to bracket the amendment (A.66, A.2, A.90) and to review first other amendments related to point 3 as they could resolve the issue.

207. The Employer Vice-Chairperson and the Government member of Argentina supported the proposal to bracket the amendment (A.66, A.2, A.90).

208. The Worker Vice-Chairperson did not support the suggestion to bracket the amendment (A.66, A.2, A.90).

209. The Government members of Barbados, Brazil, Mexico, Namibia, speaking on behalf of the Africa group, Saint Lucia, and Türkiye supported the subamendment introduced by the Government member of Poland on behalf of the EU Member States.

210. The Government member of China requested a clarification from the Office regarding the meaning of ‘national law’ as he understood it to be the laws that were exclusive to policies and regulations that were formulated by the governments.

211. The representative of the Secretary-General explained that in the language of international standards, when “law” was used in singular, it encompassed national legislations, decrees, regulations and all similar types of measures. If the plural form was used, the phrase “and regulation” should follow to capture a broader scope.

212. The Government member of China, in light of the clarification made by the representative of the Secretary-General, supported the subamendment submitted by the Government member of Poland on behalf of EU Member States.

213. The Employer Vice-Chairperson submitted a subamendment to replace the phrase “a natural or legal person” by “an entity” and expressed their flexibility regarding the term “in accordance with national law or practice”.

214. The Worker Vice-Chairperson did not support the subamendment introduced by the Employers' group. The purpose of the standard was to look at the criteria for bringing any business practice, whether individual or corporate, within the definition.

215. The Employer Vice-Chairperson sought clarification from the Office regarding the types of platforms that would be covered by the term natural person.

216. The representative of the Secretary-General stated that it would be a person operating a platform in an individual capacity.

217. The Employer Vice-Chairperson noted that such a definition would put individual entrepreneurs who were trying to grow their platform at risk. The intent of the definition should be to capture companies, not individuals.

218. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Employers' group. The word "entity" would refer only to a legal person, and not a natural person, and would therefore fail to capture the cases where natural persons could pursue business activities even on large scale without assuming a legal personality.

219. The Employer Vice-Chairperson stated that the subamendment introduced by the Government member of Poland, on behalf of the EU Member States would not solve the issue. She stated that such wording would harm MSMEs, which were important in developing countries, and requested the Office to provide the definition of "entity" according to the ILO.

220. The representative of the Secretary-General stated that the term "entity" was used in the Quality Apprenticeship Recommendation, 2023 (No. 208), and the Work in Fishing Convention, 2007 (No. 188), to refer to an institution, authority, or organization but not to a person or an individual.

221. The Government member of Mexico submitted a subamendment to delete the phrases "natural or legal person, in accordance with national law or practice" and "through digital technologies" and to introduce the phrase "a set of systems or mechanisms that, by means of digital technologies" so that point 3(a) would read: "the term 'digital labour platform' means a set of systems or mechanisms that, by means of digital technologies, organizes, in whole or in part, the provision of a service". The intent was to distinguish between the use of the term digital platform as a tool through which the work was performed or assigned, and the employer, which could be a natural person or a legal person.

222. The Government member of Barbados seconded the subamendment introduced by the Government member of Mexico, as it allowed for a better understanding of digital labour platforms as the vehicle by which workers were engaged. Regardless of whether the platform was owned by an individual or a company, once workers engaged through it, they had to be protected.

223. The Worker Vice-Chairperson appreciated the effort to find compromise, but she believed that redefining digital labour platforms as a set of systems or mechanisms was not the right path. She stated that upcoming provisions placed clear responsibilities on digital labour platforms such as taking steps to ensure safety, and changing the language meant losing to link to the responsibility to take those steps.

224. The Employer Vice-Chairperson stated that the Employers' group continued to have concerns with the use of "natural person". However, acknowledging the importance of this term to the Workers' group and that some jurisdictions might apply obligations to natural persons, she introduced a subamendment, together with the Government members of China and Poland, speaking on behalf of the EU and its Member States, to insert the words “or, where applicable by national law, natural person” after the words “legal person”, such that the text read: “legal person or, where applicable by national law, natural person”.

225. The Worker Vice-Chairperson supported the subamendment proposed by the Employers' group and the Government members of China and Poland on behalf of the EU Member States and proposed a further subamendment to replace “by” with “under” so that the text read “where applicable under national law”.

226. The Government member of China supported the subamendment introduced by the Workers' group.

227. The Government member of Oman, speaking on behalf of the GCC countries, supported the subamendment proposed by the Employers' group and the Government members of China and Poland on behalf of the EU Member States.

228. The Government member of Mexico supported the subamendments proposed by the Employers' group and the Government members of China and Poland on behalf of the EU Member States as further subamended by the Workers' group and withdrew his subamendment.

229. The Employer Vice-Chairperson asked the Office if there was a legal, substantive difference between “by” and “under” national law.

230. The representative of the Secretary-General said that there was no difference in legal terms, it was only a matter of linguistics.

231. In consideration of the explanation provided by the Office, the Employer Vice-Chairperson supported the further subamendment proposed by the Workers' group.

232. The Government member of South Africa questioned how allowing the term “digital labour platform” to include natural persons would affect the definition of a worker. He suggested to replace “digital labour platform” with “digital platform worker”.

233. The representative of the Secretary-General explained that the definition of a digital platform worker would be found later in the proposed Conclusions, and that a digital labour platform referred to a natural or legal person that organized the provision of a service through digital technologies.

234. The amendment (A.66, A.2, A.90) was adopted as further subamended by the Employers' group and the Government members of China and Poland on behalf of the EU Member States and the by the Workers' group.

A.92

235. The Government member of the United States introduced an amendment to replace, in point 3(a), the words “organizes, in whole or in part” with “actively facilitates transactions” before the words “through digital technologies”, and to replace the words “the provision of a service with the word “between”. To point 3(a)(i), he proposed to delete the words “upon request” before the words “the recipient of the service” and to add the word “; and” at the end of the subclause. To point 3(a)(ii) he proposed to replace the words “involving the” with the words “a person who”, to transform the word “performance” to “perform”, and to replace the words “of work by a person” to “a service”. He stated that the amendment had broad agreement from several countries, including the EU Member States, the United Kingdom, New Zealand, Canada, Switzerland, Japan, Türkiye, Iceland and Norway, and addressed concerns about the scope of the text.

236. The Employer Vice-Chairperson seconded the amendment, while expressing concerns about the word “transactions”.

237. The Government member of the United States introduced a subamendment, seconded by the Government member of Poland on behalf of the EU Member States, to delete, in clause 3(a), the words “actively facilitates transactions” and to add the words “, including automated monitoring or decision-making systems, organizes work performed by persons and facilitates the provision of a service between:”. To point 3(a)(i), he proposed to delete the words “upon request of” before “the recipient of the service” and to replace the words “; and” with the words “at their request”. To point 3(a)(ii) he proposed to insert the words “work, including” before the words “a service”, to add the words “for payment” before the words “regardless of whether that” and to replace the word “service” with the word “work”. As a result, the text would read “the term a “digital labour platform” means a legal person, and where applicable under national law, natural person, that, through digital technologies, including automated monitoring or decision-making systems, organizes work performed by persons and facilitates the provision of a service between: i. The recipient of the service, at their request; ii. a person who performs work, including a service, for payment, regardless of whether that work is performed online or in a specific geographic location.”

238. The Worker Vice-Chairperson expressed concerns about the significance of the proposed changes introduced by the subamendment and reiterated that the Workers’ group was satisfied with the text of the clause as originally drafted in the proposed Conclusions.

239. The Government member of Poland, speaking on behalf of the EU and its Member States, emphasized that reaching agreement on the subamendment introduced by the Government member of the United States had required considerable effort from countries with diverse legal systems and varying approaches to the instrument that was being initiated. Thirty-nine countries had managed to agree on compromise wording that addressed all reservations and offered a constructive way forward.

240. The Employer Vice-Chairperson introduced a subamendment to replace the words “organizes in whole or in part” with the words “offers the opportunity to connect” in between “natural person that” and “, through digital technologies”, and to delete “, including automated monitoring or decision-making systems” and the rest of the text of clause (a). She proposed, in point 3(a)(i), to replace the full subclause with “service requestor”, and in point 3(a)(ii) to replace the words “involving the performance of work, including a service” with “a service provider in return for remuneration or service payment,” before the words “regardless of whether that service is performed online or in specific geographic location”. As a result the text would read: “The term digital labour platform means a legal person or where applicable under national law, natural person, that offers the opportunity to connect through digital technologies between a service requester and a service provider in return for service payment or remuneration regardless of whether that service is performed online or in a specific geographic location.” It was critical to reflect that digital labour platforms did not organize work.

241. The Employer Vice-Chairperson explained that “offers the opportunity to connect,” in point 3(a), more accurately reflected the platform economy, where companies did not organize work directly but provided the infrastructure to facilitate connections between service providers and requesters. The term “organizes” did not accurately reflect the diversity of platform models. Deleting “including automated monitoring or decision-making systems”, provided clarity and was aligned with established ILO terminology. Moreover, automated systems were used outside of the platform economy and technologies varied considerably. The instrument included a dedicated section on this which made a specific reference unnecessary in the definition. A clear and concise definition was needed that did not list all possible digital technologies involved.

242. Replacing “the recipient of the service” with “service requester” in point 3(a)(i) better reflected the relationship at the core of the platform model, which focused on the client rather than on the end consumer. it was necessary to delete “at their request” to define a platform independently of whether requests had been made, as platforms existed before matching supply and demand. The term “service providers” was a more accurate reflection of reality and in line with ILO’s earlier descriptions of the platform economy.

243. For the instrument to cover all players, it was important to include “service payment” in point 3(a)(ii). According to the Equal Remuneration Convention, 1951 (No. 100), remuneration only applied to employees, while most platform workers were self-employed or independent contractors, with some exceptions.

244. The Worker Vice-Chairperson introduced a further subamendment, which included re-inserting the phrase “including automated monitoring or decision-making systems, organizes work performed by persons for the provision of its service” after “through digital technologies” in point 3(a); deleting the phrase “offers the opportunity to connect” before “through digital technologies” and deleting the word “between”; reinstating the phrase “upon the request of the recipient of the service” instead of the term “a service requester” in point 3(a)(i); and replacing the phrase “a service provider in return for service payment or” with the phrase “involving the performance of work by a person for” in point 3(a)(ii). As a result, the text would read ”The term digital labour platform means a legal person, or where applicable under national law, a natural person that through digital technologies, including automated monitoring or decision-making systems, organizes work performed by persons for the provision of its service: (i) upon the request of the recipient of the service; and (ii) involving the performance of work by a person for remuneration, regardless of whether that work is performed online or in a specific geographic location.”

245. She explained that digital labour platforms went beyond offering a matching function. They played an active role in structuring and governing work as evidenced by algorithmic management, price setting, access to work, and deactivation, and thus could not be compared to simple digital access tools. Digital labour platforms were not neutral matching functions; they orchestrated the entire work process. The term “remuneration” covered all forms of payments for personal labour. Around 80 to 90 per cent of digital platform workers were in dependent relationships and often misclassified, which underscored the need for accurate terminology. The Workers’ group was satisfied with the Office’s original formulation, viewing it as a realistic and evidence-based reflection of platform work in practice.

246. The Government member of the United States raised concerns that the Workers’ group’s subamendment was too broad. By implying that any use of digital technology to organize paid work constituted a digital labour platform, the proposed wording could unintentionally encompass ordinary businesses, such as a takeout restaurant with a digital ordering app.

247. The Government member of Brazil supported the subamendment proposed by the Workers’ group, emphasizing the practical reality in his country, where platforms organized, rather than simply intermediated work. Deregulation had serious consequences and definitions needed to reflect workers’ experiences on the ground.

248. The Government member of China noted that in China, protections applied under different legal measures depending on whether the employment relationship was formal or not. To better target those in dependent working arrangements, he introduced a subamendment to include the phrase “subject to the management of the platform” after “involving the performance of work by a person” in point 3(a)(ii). As the subamendment was not seconded, it was not taken forward.

249. The Government members of Argentina and India supported the subamendment proposed by the Government member of the United States.

250. The Government member of Nigeria emphasized the importance of maintaining a broad definition and scope, stating that excessive detail might result in limiting the flexibility of the standard and fail to capture the transitions of conventional businesses to digital models. In reference to digital technologies and automated monitoring, ambiguity should be avoided to prevent the proposed Conclusions from unintentionally affecting trade relations.

251. The Employer Vice-Chairperson agreed that definitions should not be overly detailed or impact trade relations and expressed openness to exploring concrete proposals that could contribute to a clearer and more concise definition.

252. The Worker Vice-Chairperson withdrew her further subamendment to facilitate progress and with the understanding that the proposal could be reintroduced at a later stage. The Workers’ group had always preferred the original text proposed by the Office and a clear, concise definition would facilitate understanding and later decision-making.

253. The Worker Vice-Chairperson and the Government members of Australia, Brazil, Mexico, New Zealand, Poland, speaking on behalf of the EU and its Member States, Switzerland, and the United Kingdom did not support the subamendment proposed by the Employers’ group. The Government member of Australia specified that the definition of a digital platform should capture the active role such platforms played in arranging work, beyond simply offering the opportunity to connect.

254. The Government member of Canada did not support the subamendment proposed by the Employers’ group. The inclusion of the term “organized work” added precision to the definition, distinguishing digital labour platforms from other platforms, such as message boards. The approach helped to focus on digital labour platforms where vulnerabilities and regulatory gaps existed.

255. The Government member of Chile did not support the subamendment proposed by the Employers’ group. Limiting the definition of the digital labour platform to merely facilitating contact between a customer and a service provider would exclude major transport companies. In addition, the platforms under discussion operated at the global level, set working times and objectives, monitored performance, and played a substantial role in organizing the work.

256. The Government member of India did not support the subamendment proposed by the Employers’ group, particularly the deletion of the phrase “including automated monitoring or decision-making systems” which would exclude most platforms operating in India and place many platform workers outside the scope of India’s social security system.

257. The Employer Vice-Chairperson clarified that the deletion of the phrase was not intended to exclude any companies.

258. The Government member of Poland, speaking on behalf of the EU and its Member States, suggested concluding the discussion on the subamendment proposed by the Employers’ group, noting a broad lack of support, and proposed returning to the subamendment proposed by the Government member of the United States and others. The Government members of Australia and the United States echoed those remarks.

259. The Employer Vice-Chairperson stated that the Employers' group was not able to withdraw its subamendments noting the need for a shared understanding of a platform for the instrument to have broad ownership and be implementable. Extensive consultations had been held with companies across regions to ensure their realities were accurately reflected in the definition. The term "organises" was a red line for the Employers' group, as it did not reflect the nature of all digital labour platforms. She asked to introduce a further subamendment.

260. The Chairperson recalled that Government members had asked to return to the discussion of the original amendment (A.92) as subamended by the Government member of the United States. He wished to hear views on that proposal before taking further subamendments to the subamendment proposed by the Employers' group.

261. The Employer Vice-Chairperson raised a point of order affirming her right to propose a further subamendment to her own subamendment, which was still under consideration. She indicated that its purpose was to promote consensus.

262. The Government member of the United States shared similar concerns to the Government member of India on the Employers' subamendment. Under the proposed language, any telecommunications provider, including email services or telephone companies, could unintentionally fall under the scope of a digital labour platform. This was likely neither the intent of the Committee, nor of the Employers' group, and therefore called on the Employers to withdraw their amendment.

263. The Chairperson observed that there appeared to be broad agreement in the room that the Employers' subamendment was not supported and clear indication that the Committee favoured returning to the original amendment and subamendment proposed by the Government member of the United States. He invited the Employers' group to reconsider its position.

264. The Employer Vice-Chairperson expressed concern that she had not been given the floor again following a point of order, raising concerns related to the application of Standing Orders. She acknowledged the concern raised by the Government member of the United States regarding the unintended inclusion of telecommunications companies. In response, she proposed replacing the words "offers the opportunity to connect" with the words "facilitates connecting". She further suggested using "payment" as a general term in point 3(a)(ii), instead of "service payment or remuneration".

265. The Worker Vice-Chairperson and the Government member of Mexico, also speaking on behalf of Chile and Colombia, supported the views shared by the Government member of Poland on behalf of the EU and its Member States for a decision to be taken regarding the subamendment introduced by the Employers' group.

266. The Employer Vice-Chairperson withdrew the subamendment.

267. The Government member of Poland, supported by the Government members of Canada and the United Kingdom, requested that it be reflected in the summary of proceedings that the Chairperson recognized that the subamendment was not adopted, rather than withdrawn, to avoid further discussion on it the following day.

268. The Chairperson clarified that the Employers' group had withdrawn the subamendment and that the decision that it was not adopted was not made. The Committee would return to discussing the subamendment proposed by the Government member of the United States. He further affirmed that the Committee would not return to discussing the Employers' group's subamendment.

269. The Government members of India, Japan, Namibia, speaking on behalf of the Africa group, Switzerland, Türkiye, and the United Kingdom, supported the amendment as subamended by the Government member of the United States.

270. The Government member of Barbados, speaking on behalf of the CARICOM countries, supported the amendment as subamended by the Government member of the United States but preferred the term “remuneration” instead of “payment” in point 3(a)(ii). The Government member of Belize supported the statement.

271. The Government member of Australia stated that many platforms actively arranged work beyond just connecting service requesters and workers. While the subamendment introduced by the Government member of the United States attempted to capture both organizing and facilitating work, it reframed the platform’s role in a way that severed the link between the platform and the worker. That, he argued, would allow platforms to claim no responsibility for workers and failed to address concerns raised by other governments. The Government member of China shared similar concerns and did not support the subamendment.

272. To better reflect the nature of the relationship, the Worker Vice-Chairperson proposed a further subamendment: first, in point 3(a) to delete the word “between” because the relationship was not just between the recipient and worker; second, to delete “facilitates”, because no relationship was facilitated, but rather a service was organized or orchestrated; third, in point 3(a)(i), to reinstate “upon request of” and delete “at their request” as it showed the nature of relationship; and fourth, in point 3(a)(ii), to delete “a person who…” and reinstate “involving the performance of work”. The proposed wording aimed to ensure that platforms could be held responsible for conditions faced by platform workers. She added a final subamendment to replace the word “payment” with the word “remuneration”.

273. The Employer Vice-Chairperson noted that there seemed to be relative alignment among the groups about what the definition of digital labour platform should contain. For the Employers’ group, it was important that the definition include both location-based and online-based platforms, in line with the ILO’s long-standing framing of the platform economy. It was equally important to clarify the relationship between a digital labour platform and a platform worker. She could support the use of the word “payment” or potentially “payment or remuneration”

274. The Government member of the United States observed that the Workers’ group seemed to be aiming to classify all platforms as employers, while the Employers’ group appeared to be seeking to define them as something other than employers. The purpose of the compromise reflected in his subamendment was to develop a definition that could accommodate both possibilities. The objective was to define “digital labour platform” and not to determine the existence of an employment relationship, which could be addressed in later parts of the text.

275. The Worker Vice-Chairperson clarified that the Workers’ group was not asserting the existence of an employment relationship in all cases but rather referring to a contractual relationship that could take different forms.

276. The Government member of India expressed concern regarding the use of the term “remuneration”, as it was not consistent with operational models in the platform economy. “Remuneration” typically referred to an employment relationship, but platform workers operated under varying models. It would be impractical to define remuneration without accounting for the costs and expenses incurred by workers in delivering a given service. He therefore proposed a further subamendment to replace, in point 3(a)(ii), the term “remuneration” with “payment” or “payout”, which was the term in the original amendment.

277. The Employer Vice-Chairperson supported the scope of the instrument covering employees, independent contractors, the self-employed, or third categories of workers, as defined in their respective national contexts. She then seconded the subamendment introduced by the Government member of India.

278. The Government member of Mexico drew the Committee's attention to the use of the term "remuneration" found on page 42 of Report V(2), entitled Realizing decent work in the platform economy. The term was used in instruments such as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that applied to all workers, including independent workers. The proposed Conclusions indicated that, in addition to remuneration, workers could also receive compensation for expenses and other service-related costs. He requested the Office to clarify the intended meaning "remuneration" in English to ensure there was nuance to the concept that might be lost in translation.

279. The representative of the Secretary-General explained that the term "remuneration" was not used exclusively in reference to workers in an employment relationship. It could also cover the self-employed. A number of existing instruments supported that interpretation, such as the Preamble to the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111). In the present context, the term "remuneration" was used to refer both to the remuneration that employees would receive and to the compensation provided to the self-employed for their work. However, it did not include the costs that self-employed workers might incur in the process of delivering the requested services.

280. On the basis of that explanation, the Government members of Mexico and Uruguay did not support for the subamendment proposed by the Government member of India, expressing preference for the term "remuneration" because it was not limited to any specific type of employment arrangement.

281. The Government member of China asked the Office whether the inclusion of "payment or remuneration" would be broad enough to cover all potential income channels and whether retaining only the term "remuneration" might risk excluding certain forms of income.

282. The representative of the Secretary-General clarified that the term "payment" would comprise "remuneration" as well as other costs incurred by the self-employed worker to deliver the service.

283. The Government member of the United States supported the subamendment by the Government member of India, as it would restore the original text put forward in his previous subamendment.

284. The Government member of Argentina supported the use of either term, "payment" or "remuneration". Most workers were subject to remuneration but believed that the combination of "payment" and "remuneration" would adequately cover all types of employment relationships.

285. The Government member of Pakistan supported the subamendment of the Government member of India. In most countries, the term "remuneration" implied a formal employer–employee relationship, which might not be appropriate in the evolving platform economy. The word "payment" would facilitate the implementation of legislation and the resolution of disputes in such countries.

286. The Employer Vice-Chairperson observed broad support for the term "payment" and underlined the importance of having legislation that could be effectively implemented across national contexts. She noted that the term “remuneration”, as defined in Convention No. 100, was limited to the employment relationship and requested clarification from the Office on its source for the definition of “payment”.

287. The representative of the Secretary-General confirmed that the definition of “remuneration” in Convention No. 100 did indeed relate to employment relationships, but other ILO standards used the term more broadly. The meaning of remuneration, therefore, varied depending on the intent and context of each instrument.

288. The Worker Vice-Chairperson stated a preference for “remuneration”, based on the Office’s explanation that it referred to labour income regardless of employment relationship. Whatever the term decided on, it should encompass labour income.

289. The Government member of Australia supported the subamendment of the Workers’ group but acknowledged that there were concerns around the term “organizes”. He proposed alternative wording: “organizes work performed by persons for the provision or facilitation of a service” at the end of clause (a).

290. The Government member of Namibia, speaking on behalf of the Africa group, supported retaining the word “remuneration”, stating that it best captured the full range of labour compensation and supported broader access to social protection.

291. The Government member of Egypt, aligning with the Africa group, supported the use of “remuneration” and called for consideration of how algorithmic management could ensure payments above minimum wage levels.

292. The Worker Vice-Chairperson explained that the primary relationship in the platform economy was between the worker and the digital labour platform, rather than the recipient of the service. She provided several examples of ride-hailing, IT support, and food delivery workers who were denied support and protection due to the platform’s refusal to recognize their role as an employer. The deletion of the word “between” would clarify that it was the platform, not the customer, who held the primary contractual relationship. Retaining the existing language risked removing the platform from the scope of the Convention and could weaken its effectiveness. The Workers’ group was not asserting that all workers were employees but sought clarity that the platform–worker relationship was central.

293. The Government member of Mexico, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), supported the Workers’ group’s subamendment, as it clarified the role of the platform in organizing labour and avoided legal ambiguity. Various types of relationships might exist between the platform worker and the digital labour platform, but it was important that the scope include direct employment relationship between the two, and not attempt to mask it.

294. The Government member of the United States argued that the terms “facilitates” and “between” were essential for the definition to capture a variety of platform models. Some platforms exerted a significant degree of control while others provided a connection and facilitation service.

295. The Government member of Brazil clarified that the word “organizes” did not necessarily imply a relationship of subordination between the platform and the worker. Different legal systems, such as Brazil’s, which provides self-employed workers with rights, demonstrate alternative models of work which is organized but not hierarchical.

296. The Government member of China, seconded by the Government member of Argentina, introduced a further subamendment to the Workers’ group subamendment, to add the word "or" and to reintroduce the word "facilitates". They however did support the Workers' group's subamendment to remove the word "between". The text would then read "organizes work performed by persons or facilitates for the provision of a service". The aim was to find a middle ground that reflected the range of platform relationships and an inclusive, adaptable definition.

297. The Government member of Namibia, speaking on behalf of the Africa group, supported deleting the word "between," noting that retaining it would exclude several relevant actors in the platform economy.

298. The Employer Vice-Chairperson supported the subamendment proposed by the Government member of China. Although the term "organizes" remained problematic for the Employers' group, as it could imply the existence of an employment relationship that did not reflect the diversity of relationships in the platform economy, she could accept its inclusion when taken together with the words "or facilitating", as proposed by the Government member of China. She did not, however, support deleting the word "between".

299. The Government member of Australia supported subamendment proposed by the Government of China but suggested revising the order of the terms bringing the phrase "the provision of a service" before the word "facilitates", as a more logical formulation.

300. The Government member of the United States, seconded by the Government member of Argentina, introduced a further subamendment designed to restructure, rather than revise the text, to clarify that the term "between" applied only to "facilitates". The text would read "the term "digital labour platform" means a legal person, or where applicable under national law, natural person that, through digital technologies, including automated monitoring or decision-making systems, (i) organizes work performed by persons; or (ii) facilitates the provision of a service between: a) the recipient of the service; and b) involving the performance of work by a person for payment, (iii) regardless of whether that work is performed online or in a specific geographic location".

301. The Government member of Costa Rica supported the further subamendment proposed by the Government member of the United States.

302. The Government member of Australia did not support the further subamendment proposed by the Government member of the United States, as the word "between" could enable the platform to effectively abdicate itself from the relationship in question.

303. The Government member of Poland, speaking on behalf of the EU Member States proposed a further subamendment to replace the word "or" with "and" at the end of subclause 3(a)(i). The word "or" provided an option that broadened the scope of the proposed instrument, which was not the intention. The purpose was to define digital labour platforms where the organization of work was one of the necessary conditions.

304. The Government member of the United States supported the further subamendment of the Government member of Poland on behalf of the EU Member States.

305. The Worker Vice-Chairperson supported the further subamendment proposed by the Government of Poland on behalf of the EU Member States to replace "or" with "and" but did not support keeping the provision of service being between the recipient and the worker, as proposed in the subamendment introduced by the Government member of the United States.

306. The Government member of United Kingdom supported the further subamendment proposed by the Government of Poland on behalf of the EU Member States to replace "or" with "and".

307. The Employer Vice-Chairperson introduced a further subamendment replacing “and” with “and/or” in subclause 3(a)(i), adding a comma after “service”, and inserting “beyond merely enabling communication,” before “between” in point 3(a)(ii), to clarify the scope of digital labour platforms. The intention was to capture digital labour platforms and not companies like telecom providers. Moreover, the relationship between workers and platforms would be clearer when defining worker in the sections to be discussed.

308. The Worker Vice-Chairperson did not support the further subamendment proposed by the Employers’ group, preferring the earlier text that stated, “organizes work by persons” and “facilitates the provision of service”. She introduced a further subamendment removing the phrase “beyond merely enabling communication”, which lacked clarity, from subclause 3(a)(ii) and suggested reorganizing the text into a clearer format by adding an additional subclause, such that the text read: (ii) facilitates the provision of a service; (iii) upon request of the recipient of the service involving the performance of work by a person for remuneration; (iv) regardless of whether that work is performed online or in a specific geographic location.” She reiterated the caveat that the Workers’ group still preferred the word “remuneration” instead of the word “payment”.

309. The Government members of Australia, Brazil and Mexico supported the further subamendment of the Workers’ group to remove the phrase “beyond merely enabling communication” and to restructure the subclauses.

310. The Employer Vice-Chairperson proposed deleting, in point 3(a), the words “including automated monitoring or decision-making systems”. A listing exercise was not appropriate and subsequent sections of the instrument dealt with the issue of monitoring and decision-making. She further proposed to add the words “or requestor” after the words “upon request of the recipient” to include relationships with both clients and consumers.

311. The Government member of Canada supported the Workers’ group’s further subamendment. The organization of work was a key feature of digital labour platforms and a source of vulnerability, owing to existing regulatory gaps. Given the Office’s mandate on decent work and the principle in the ILO Constitution that “labour is not a commodity”, Canada would prefer the term “remuneration”, as it represented a return for work performed, rather than a simple transaction.

312. The Worker Vice-Chairperson did not support the subamendment proposed by the Employers’ group to add the term “or requestor”. Regarding the deletion of “including automated monitoring or decision-making systems”, she noted that the Workers’ group could be flexible. Although the Workers’ group had originally preferred the term “digital technologies”, she recognized the importance placed by some Government members on the reference to automated monitoring or decision-making systems.

313. The Government member of the United States did not support the further subamendment proposed by the Employers’ group, emphasizing the importance of accurately defining “digital labour platform” so as not to capture traditional businesses with digital ordering features. He also raised a concern regarding circularity in the definitions, noting that the draft definition of “digital labour platform” used the term “digital platform worker”, while the definition of “digital platform worker” referred to “digital labour platform”.

314. The Government member of Poland, speaking on behalf of the EU and its Member States, stated that the scope of the instrument needed to remain sufficiently narrow to ensure enforceability. Including the use of automated monitoring or decision-making systems as a condition would allow for a clear distinction between digital labour platforms and platforms that merely used digital technologies. Accordingly, he proposed a further subamendment, to replace the word "including" with "using" at the end of point 3(a) so that it would read "through digital technologies, using automated monitoring or decision-making systems."

315. The Government member of Namibia, speaking on behalf of the Africa group, did not support the further subamendment proposed by the Government member of Poland on behalf of the EU Member States, as the word "using" was too narrow in scope.

316. The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of Poland on behalf of the EU Member States and instead proposed a further subamendment to strike the phrase "using automated monitoring or decision-making systems".

317. The Government member of Barbados did not support the further subamendment proposed by the Employers' group. Digital labour platforms using automated monitoring or decision-making systems needed to provide workers, regardless of their classification, with access to recourse or justice in case of grievance. This was especially relevant for Small Island Developing States where workers often lacked the means to hire legal professionals. While his delegation would have preferred the term "including", it could accept "using", as the key issue was ensuring access to justice.

318. The Government member of Poland, speaking on behalf of the EU and its Member States, requested clarification from the Employers' group regarding its further subamendment to delete the phrase "using automated monitoring or decision-making systems". He was concerned that doing so would broaden the scope of the instrument too much and hinder its ratification and implementation.

319. The Government member of Chile did not support the further subamendment by the Employers' group**.** The Committee's aim was to regulate platform work, and the automation of monitoring of decision-making with respect to workers' labour was at the heart of the challenge.

320. The Employer Vice-Chairperson noted that a list of technologies did not support greater need for clarity and simplicity. Tripartite agreed ILO definitions of "automated monitoring" and "automated decision-making systems" did not yet exist and could therefore cause implementation challenges. She requested clarification from the Office on why such terms were not included in the definition section.

321. A representative of the Office stated that the Office had not included the term in the functional definition of a digital labour platform as, based on the replies to the questionnaire reflected in Report V(2), Realizing decent work in the platform economy, automated systems were not necessarily a distinctive characteristic of the platform economy. Although digital technology was a central feature of digital platforms, not all digital labour platforms used automated monitoring systems. Automated systems were also used by many companies outside the platform economy. The Office had therefore included in the proposed Conclusions provisions applying to automated systems, where they were used, particularly in relation to transparency, dispute resolution and similar matters.

322. The Government member of Poland, speaking on behalf of the EU and its Member States, and supported by the Government member of Canada, believed that the scope of the instrument needed to be narrowed from what was in the original draft of the proposed Conclusions. The use of automated monitoring or decision-making systems should be a condition and platforms not using such systems should fall outside the instrument's scope. Deleting the reference would imply that the proposed instruments applied to all platforms using digital technologies, which he considered beyond the current mandate.

323. The Worker Vice-Chairperson observed that, through the subamendment process, the link between the person performing the work and the provision of the service appeared to have been lost, indicating a separation between the organization of work and the facilitation of the service. She recalled that the original intention had been to connect the two and proposed a subamendment so the text should read: "organizes work performed by persons for the provision or facilitation of a service".

324. The Government member of Mexico stated that one of the fundamental elements in defining a digital platform was the presence of monitoring or automated monitoring mechanisms. The use of such mechanisms, however, was often a matter of degree, citing the experience of Mexico where some digital platforms used algorithms only minimally. To address this, he proposed a further subamendment to introduce the phrase "predominantly uses" before "automated monitoring mechanisms". The focus should remain on protecting workers and addressing their vulnerability, regardless of the degree of algorithm use. The subamendment was not seconded.

325. The Employer Vice-Chairperson did not support having a reference to "automated monitoring or decision-making systems". She requested clarification from the Office on whether the ILO had an agreed definition of this expression and wondered how monitoring would apply, for example, to a freelancer who found a customer via a platform but carried out his or her work off the platform. She stressed the importance of clearly understanding the issue to reach a successful consensus.

326. The representative of the Secretary-General confirmed that there was no ILO definition for the expression "automated monitoring" or "automated decision-making systems".

327. The Government member of Poland, speaking on behalf of the EU and its Member States, noted that he did not expect platforms to adopt automated monitoring or decision-making systems; rather, if platforms were already using such systems as part of their business models and met other relevant criteria, then they should be classified as digital labour platforms.

328. The Worker Vice-Chairperson reiterated that the reference to automated monitoring or decision-making systems must remain, as otherwise the scope would include a digital classified ad or job board, which it should not. A platform was only considered a digital labour platform when it was organizing a service through ratings or profiling, which implied the existence of automated monitoring and decision-making systems.

329. The Employer Vice-Chairperson requested the Office to clarify why the reference to automated systems was not included in the proposed definition by the Office. She also expressed agreement with the Worker Vice-Chairperson that not every website or digital job board should be captured in the definition. However, she stressed that typical digital labour platforms, whether location-based or online, should be included.

330. A representative of the Office clarified that automated systems were not included in the definition because it was not requested in the replies to the questionnaire. Responses to the questionnaire also indicated that smaller, local platforms organized and managed work without relying on automated systems. For example, platforms might provide domestic work services where client requests were received via mobile phones. In such cases, a human, and not an automated system, assigned a worker to a specific household.

331. The Government member of India did not support the subamendment proposed by the Government member of Poland on behalf of the EU Member States to use the word "using", restating a preference for the word "including". Alternatively, the term "and/or" could be used after "digital technologies" such that the text read "digital technologies and/or automated monitoring or decision-making systems".

332. The Government member of Mexico did not support the subamendment proposed by the Government member of Poland on behalf of the EU Member States, stating a preference for the word "including". Automated monitoring or decision-making systems were typically more relevant to types of work that require the physical presence of the worker, and less so to other forms of platform work. The word "including" meant that the characteristics of both location-based and online platforms would be captured under the definition.

333. The Government member of Barbados reaffirmed the need to include automated monitoring and decision-making systems in the scope, while keeping said scope narrow. The aim should be to cover systems of management or supervision that involved little to no human oversight, as that was the segment of the labour market that was lacking regulation. He preferred the use of the term "using", noting that the phrase could even read "digital platforms that use automated monitoring and decision-making systems".

334. The Government member of the United States reiterated that the use of the word "including" would broaden the definition to cover small businesses not using automated systems, which should not be the target of the instrument.

335. The Government member of Australia noted in reply to other Government members that automated monitoring did not necessarily require real time, physical monitoring of the performance of work and could be a feature of online platforms, for example using automation to determine the position of a worker's profile on the application based on customer reviews or monitoring worker and client communications via the application. She invited other Governments who had regulated this issue to share how this term may be used in their national legislation.

336. The Employer Vice-Chairperson echoed the point and invited governments to share how digital labour platforms were defined in national legislation. Although the Employers' group referred to remove the phrase in its entirety, as a compromise, she introduced a further subamendment to delete the words "or monitoring" such that the text read "using automated decision-making systems".

337. The Government members of Barbados, India, Mexico, Namibia, speaking on behalf of the Africa group, the United Kingdom, and the United States supported the further subamendment introduced by the Employer Vice-Chairperson.

338. The Worker Vice-Chairperson indicated that, while the Workers' group did not have a strong preference between "using" and "including", it would have preferred to retain the reference to monitoring. Nonetheless, given the broad consensus, she supported the further subamendment introduced by the Employer Vice-Chairperson, with the caveat that she intended to revisit the issue of algorithmic management later in the text.

339. The Government member of Australia expressed reservations about the potential narrowing of the scope, noting that automated decision-making systems and automated monitoring were distinct concepts. However, acknowledging the overall support, he also supported the subamendment introduced by the Employers' group to delete the words "or monitoring".

340. The Worker Vice-Chairperson introduced a subamendment to revise subclause (i) to read "organizes work performed by persons for the provision or facilitation of a service", noting that the earlier subamended text had lost the connection to the provision or facilitation of the service.

341. The Government member of Barbados introduced a subamendment to move the words "for payment" from subclause (iii) to the end of subclause (i), so to read "organizes work performed by persons for the provision or facilitation of a service for payment".

342. The Government members of India and the Niger seconded the further subamendment introduced by the Government member of Barbados.

343. The Employer Vice-Chairperson reiterated concerns regarding the term "organizes". However, acknowledging the overall agreement in the room, she supported the subamendment of the Government member of Barbados and introduced a further subamendment to revise subclause (i) to replace the words "to work performed by persons for the provision or facilitation" with the words "or facilitates", to read "organizes or facilitates the provision of a service for payment".

344. The Worker Vice-Chairperson did not support the subamendment introduced by the Employers' group. She agreed with the use of "payment", provided that it was clearly defined later in the text.

345. The Government member of Poland, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Government member of Barbados, but did not support the subamendment introduced by the Employer Vice-Chairperson. The use of the word "or" implied an alternative that would broaden the scope of the instrument to include platforms that only facilitated, but that did not organize, work. It was important to limit the scope of the definition of digital labour platforms to include those that both organize and facilitate work, meaning that both conditions had to be met simultaneously.

346. The Government member of the United States did not support the subamendment introduced by the Employer Vice-Chairperson, echoing the concerns expressed by the Government member of Poland, speaking on behalf of the EU and its Member States. Moreover, subclause (i), as subamended by the Employers' group, did not include any reference to workers. He then introduced a subamendment to insert the words "by a person who performs the work" after the words "of a service".

347. The Government member of Brazil supported the subamendments introduced by the Government member of Poland on behalf of the EU Member States, and by the Government member of the United States.

348. The Government member of Argentina did not support the use of the word "and" as proposed by the subamendment introduced by the Government member of Barbados. There were many platforms that did not organize the work, but merely facilitated it. Moreover, in Argentina, the word "organizes" implies the existence of an employment relationship. The use of "and/or" between the words "organizes" and "facilitates" in subclause (i) could be a way forward.

349. The Worker Vice-Chairperson did not support the subamendment introduced by the Employer Vice-Chairperson. The text now suggested that the platform organized work and facilitated the worker to provide the service. In reality, it was the digital labour platform, and not the worker, that provided the service. It moreover suggested that the relationship was between the platform worker and the client, rather than with the digital labour platform. The Workers' group could not accept language that implied that the worker alone was the one providing the service. The service, as such, included the receipt of the request for a service, finding workers to meet the request, deciding how the workers would be matched with the service, and potentially dealing with payment, all of which was a service provided by the digital labour platform, and not the worker alone. She called on the Office to clarify how the definitions contained in the proposed Conclusions had intended to conceive the relationship between the digital labour platform and the worker and the consumer.

350. The Employer Vice-Chairperson recalled that the Employers' group did not want to see a reference to the term "organizes" in the text, but that the inclusion of the term "and/or" could allow them to accept the wording, which would then read; "organizes and/or facilitates the provision of a service for payment", which was then introduced as a subamendment. She noted also that the expression "and/or" had been used numerous times in other ILO instruments. They could not accept the word "and" alone as long as it implied that all digital labour platforms organized work.

351. The Government member of Australia noted that much of the discussion had oriented around concerns about the meanings of "organize" and "facilitate" and said the Employers had flagged concerns that the term "organizes" in many jurisdictions implied an employment relationship. He asked for advice from the Legal Adviser as to whether there was any clarity around what the word "organize" meant in the context of ILO instruments.

352. The representative of the Secretary-General explained that proposed definition was developed on the basis of replies to the questionnaire. The questionnaire originally used the term "supply a service", but responses indicated it was too narrow. The term "organize" was therefore used to include a range of activities, including assigning tasks, providing guidance and giving clear instructions.

353. The Government member of Poland, speaking on behalf of the EU Member States, proposed a subamendment to insert the word "work" after the word "organizes", recognizing that this was meant to capture all forms of work, whether performed by an employee or a self-employed worker, or other category of worker, and to insert the word "and" between "organizes work" and "facilitates", such that the text read "organizes work and facilitates". He further requested the Office to clarify the legal difference between "or" and "and/or". It was important that the two conditions of organizing and facilitating be met cumulatively to avoid broadening the scope.

354. The representative of the Secretary-General noted that the use of "and/or" was discouraged in the Manual for drafting ILO instruments because it did not address or resolve ambiguities inherent to the use of "or". It was only used when there was a clear set of criteria, all or part of which needed to be met in order for the provision to apply.

355. The Government member of Poland, speaking on behalf of the EU and its Member States, on the basis of the Office's explanation, did not support the subamendment introduced by the Employer Vice-Chairperson to insert the words "and/or".

356. In response the Worker Vice-Chairperson's question regarding the intention of the definition of digital labour platform contained in the proposed Conclusions, the representative of the Secretary-General noted that the proposed Conclusions used "organization" to mean organizing the provision of a service involving the performance of work. The intention was to exclude those platforms that were merely or simply connecting a request of a service for the provider of the service and concentrating on those digital labour platforms that provide services to someone who is asking for their services by utilizing the work performed by a person. The intention was also to limit the scope to those platforms that relied on work performed by a worker.

357. The Government member of the United States emphasized the need to include situations where the digital labour platform served as a facilitator of services provided by a worker to the customer. A telehealth platform for instance connects healthcare providers to customers. In that case, the licensed healthcare provider, or worker, provides the services.

358. The Employer Vice-Chairperson agreed that it was the worker who worked and provided the service.

359. The Worker Vice-Chairperson underlined that the Office's explanation aligned with her understanding – that in contexts like telehealth, the core service was not the direct medical work itself, but the arrangement that enabled it. This included matching accredited professionals with clients, managing payments and overseeing ratings. This orchestration, rather than the health assistance itself, would constitute the platform service. The platform's role therefore went beyond simple matching, as a job board would do.

360. The Government member of the United States suggested that the confusion could stem from the word "service" being used to refer to two different things: the first being the platform's service, such as connecting a healthcare provider with a client, and the second being the actual healthcare service delivered by the licensed professional. Clarity could be improved by specifying which type of service is meant in each context.

361. The Employer Vice-Chairperson agreed that there was a shared understanding that two distinct services were involved: the platform's connecting service and the various services provided by workers across different platforms.

362. The Government member of Australia introduced a subamendment to substitute point 3(a)(i) to read: "organizes work performed by persons for the provision or facilitation of its service for remuneration, upon request of the recipient or requester of the service." It followed then to delete point 3(a)(ii), which read "upon the request of the recipient or requestor of the service". Platforms did more than merely provide an opportunity to connect. While a certain service was provided by the worker, platforms played an active role in arranging and allocating work, and therefore had a material role in the provision of the service to the recipient or the requester. The term "its services" therefore referred to the services provided by the platform, while the second reference to "service" referred to that requested by the recipient or the requester of the service.

363. The Government member of Mexico seconded the subamendment, with some reservations. First, it lacked a clear distinction between the services provided by the platform and by the worker. It was also important not to assume the nature of the relationship between the digital labour platform and the worker, and to keep a scope broad enough to include different types of relationships. Further subamendments in these areas could bring more clarity to the text.

364. The Worker Vice-Chairperson supported the subamendment introduced by the Government member of Australia.

365. The Employer Vice-Chairperson noted that there were some issues with certain elements of the proposed subamendment, notably the use of the word "organizes", which the Employers' group could not accept. She asked the Government member of Australia to whom the "remuneration" was being paid, reiterating that, in principle, workers were the ones providing the service for remuneration or payment.

366. The Government member of Australia explained that the proposed text referred to the remuneration of the worker, noting that the platform would typically take a percentage of that as well.

367. The Government member of the United States did not support the subamendment. There was a need for a definition that distinguished the connectivity service provided by the platform from the service that the worker provided the customer. Moreover, the sentence seemed to imply that the platform received the remuneration. If that were the case, the sentence would deviate from the Committee's original intent, which consistently linked remuneration to the worker.

368. The Government member of India did not support the subamendment because it was not the platform but the worker who provided the service, and it contained the word "remuneration", which he did not support.

369. The Worker Vice-Chairperson clarified that the term "work" was a catchall for both the service and the work performed by the worker. She proposed a subamendment to move the words "for remuneration" to follow "persons" and to delete the words "of the service" at the end of the clause, such that the text would read: "organizes work performed by persons for remuneration for the provision or facilitation of its service upon request of the recipient or requester."

370. The Government member of Australia supported the Worker Vice-Chairperson's subamendment.

371. The Government member of Canada supported the subamendment introduced by the Government member of Australia. The phrase "organizes work performed by persons" clearly expressed the subject of the instrument. The term remuneration was appropriate because, as the Office had clarified, while its use in Convention No. 100, might imply the existence of an employment relationship, other ILO instruments used the term more broadly. The phrase "provision or facilitation of its service" acknowledged the diverse nature of digital labour platforms. Finally, organizing work was a key feature of a digital labour platforms, as opposed to other platforms that governments may not be able to regulate.

372. The Government member of Mexico introduced a subamendment to point 3(a)(i) to insert the words "or payment" after the word "remuneration", such that the text read "that upon request of the recipient or requester, organizes or facilitates works performed by persons for remuneration or payment for the provision of its services".

373. The Government member of Australia seconded the subamendment introduced by the Government member of Mexico and suggested a further subamendment to introduce commas so that point 3(a)(i) would read: "that upon request of the recipient or requester, organizes or facilitates work performed by persons for renumeration or payment, for the provision of its services".

374. The Government member of the United States stated that the additional commas would not be helpful in providing further clarity.

375. The Government member of Australia, seconded by the Government member of Argentina, introduced a further subamendment to add the term "and/" before "or facilitates work", delete "its" before "services" and reorganize the phrase "upon request of the recipient or the requester" so as to read "i) organizes and/or facilitates work performed by persons for remuneration or payment, for the provision of service, upon request of the recipient or the requestor".

376. The Government member of Mexico indicated that in the Spanish version a comma would be needed after “requestor” for grammatical correctness. The Chairperson confirmed that such grammatical matters would be addressed by the Drafting Committee.

377. The Government member of the United States, seconded by the Government member of Switzerland, proposed a further subamendment to the subamendment proposed by the Government member of Australia, to improve grammatical clarity. He suggested removing the commas after “payment” and “service” in point 3(a)(i), as they introduced confusion. He also proposed replacing “and/or”, which created ambiguity, with either “and” or “or” with a preference for “and” as per the original subamendment proposed by the Government member of the United States supported by the Government member of Poland on behalf of the EU Member States and other governments.

378. The Government member of the Niger supported the subamendment proposed by the Government member of Australia and urged the Government member of the United States to withdraw his further subamendment.

379. The Government member of Australia did not support the subamendment put forward by the Government member of the United Sates of America. The insertion of the term “and/or” reflected the diversity of positions within the Committee. He did not support the deletion of the comma between the word “service” and “upon”, as it would alter the meaning of the text.

380. The Government member of Poland, speaking on behalf of the EU and its Member States, reiterated that the word “or”, could potentially extend the scope of the definition to capture entities beyond digital labour platforms. He requested the Office to provide its view on this matter.

381. The representative of the Secretary-General explained that the phrase “and/or” could lead to ambiguities, as it might be interpreted as cumulative (organizing and facilitating) or as offering alternatives (organizing or facilitating). The aim of setting a standard was to address the conditions of work of persons operating on digital platforms. Platforms that merely connected service requesters with providers, without having any involvement in the organization the work, such as an online marketplace that simply facilitated a space where vendors and buyers could connect, would not qualify as a digital labour platform. To fall under the definition, a digital labour platform would need to go beyond providing space for interaction and include involvement in organizing the work to provide a service upon request.

382. The Government member of the Niger supported the inclusion of “and/or”, noting that its “constructive ambiguity” allowed interpretative flexibility.

383. The Government member of Uruguay did not support the further subamendment put forward by Government member of Australia. The terms “organize” and “facilitate” in point 3(a)(i) did not describe equivalent activities. All businesses involved some level of organization and the word “facilitate” referred only to the provision of a service. He supported the term “organize and facilitate” rather than “organize or facilitate”.

384. The Government member of Argentina asked the Office to clarify whether the definition of digital labour platform only applied to entities that organize a service or whether self-employed persons, who carried out their own activities using the platform, were covered by the definition. It appeared that the digital labour platforms would have to exercise some level of influence over the working conditions of self-employed persons working through them.

385. A representative of the Office explained that the proposed Conclusions intended to address the working conditions of self-employed persons performing work via a platform which organize the provision of a service rather than a self-employed persons who uses digital technologies to carry out independent work. The formulation adopted took into account the reduced autonomy of certain self-employed persons in relation to platforms in accordance with the replies of various countries to the questionnaire in Report V(2), Realizing decent work in the platform economy. Regulation in many countries, including under the EU directive on platform work, applied to various types of relationships between the platforms and the workers. Some of these workers would be classified as employees, others as self-employed persons with different degrees of autonomy with regard to the digital labour platforms through which they work. For example, in Australia, there was a distinction between self-employed workers in more vulnerable positions that may not have the autonomy and the ability to negotiate, and other self-employed persons.

386. The Government member of Argentina indicated that the definition should not suggest that the platform had no influence on the relationship between the platform and the worker, as this would lead to confusion.

387. The Government member of Namibia, speaking on behalf of the Africa group, supported the subamendment of the Government member of Australia, although she preferred to only retain the word “and”.

388. The Government member of Oman, speaking on behalf of the GCC countries, supported the further subamendment proposed by the Government member of the United States.

389. The Government member of Uruguay contributed to the clarification provided by the Office to the Government member of Argentina. Digital labour platforms might organize or facilitate work, however this did not determine the nature of the employment relationship. The appropriate place to address whether a relationship was dependent or independent was under point 21 of the proposed Conclusions, where the defining characteristics of such relationships would be discussed in greater detail.

390. The Government member of China supported the further subamendment proposed by Australia.

391. The Government member of Chile supported the further subamendment proposed by the Government member of Australia in principle, but shared concern over the use of “and/or”, which could introduce ambiguity regarding whether one or both functions, organizing and facilitating, must be present. Citing examples from Latin America, he distinguished between platforms that merely enabled advertising and those that substantially organized work through algorithms, fee structures, user qualifications and behavioural rules.

392. The Employer Vice-Chairperson supported the subamendment proposed by the Government member of Australia, as well as the removal of commas in point 3(a)(i) of the further subamendment proposed by the Government member of the United States. She expressed concern regarding the Office’s response on what a platform must do beyond facilitating to be considered a digital labour platform. The sale of goods, as noted in the example provided by the Office, was not applicable as the discussions clearly focused on services. Moreover, it was for the constituents, not the Office, to define such terms, as no definition currently existed within the ILO framework.

393. The Worker Vice-Chairperson supported the subamendment proposed by the Government member of Australia. While the Workers’ group had always preferred the term “organizes,” they were willing to accept a compromise that included “facilitates” in point 3(a)(i). Despite their initial preference to retain it, in the same subclause, the deletion of the word “its” in the phrase "for the provision of its service" was acceptable as well as the insertion of the term "/or" before the term "facilitates work".

394. She did not, however, support the further subamendment proposed by the United States to delete the commas, noting in particular the deletion of the comma after the word "service" and before the phrase "upon request of the recipient or requestor" in point 3(a)(ii). Doing so would fundamentally alter the meaning of the text and incorrectly imply that the platform's role in organizing or facilitating work only commenced upon a recipient's request, rather than acknowledging that platform infrastructure and organization existed before that point.

395. The Government member of India reiterated concerns about the use of the word "remuneration", preferring the word "payment", and requested clarification from the Office on whether the repeated use of the phrase "remuneration or payment" across points 3(a) to 3(d) was intended to carry the same meaning throughout. Additionally, he proposed adding the phrase "as applicable" after the word "payment" in the current provision.

396. The Government member of Brazil supported the position of the Workers' group on retaining the comma after "service" and agreeing to the inclusion of "and/or" in point 3(a)(i).

397. The Employer Vice-Chairperson accepted the inclusion of the commas after "service" and after "requester" in point 3(a)(i) despite having preferred their removal.

398. The Worker Vice-Chairperson clarified that though agreement had been reached on the issue of commas, the phrase "remuneration or payment" in point 3(a)(i) was still subject to discussion under the definition of "remuneration" in a later subparagraph of the proposed Conclusions. For the purposes of the current provision, she accepted retaining "remuneration or payment" with the understanding that it would be bracketed and revisited subsequently.

399. The Employer Vice-Chairperson emphasized that she had already shown flexibility on including the term "remuneration", recalling that the original position of the Employers' group was to refer to "service payment" in point 3(a)(i).

400. The Government members of Argentina, Australia, Mexico, Namibia, speaking on behalf of the Africa group and Peru supported the subamendment introduced by the Government member of Australia.

401. The Government member of United States supported the consensus that was being achieved. To avoid potential ambiguities, he proposed a further subamendment to insert the words "the platform's" between "through" and "digital technology" in point 3(a) to clarify that the digital technology belonged to the platform. The definition, otherwise, was too broad and could inadvertently include the user of the platform. The subamendment was not seconded.

402. The Government member of India noted that while his delegation would have preferred to add the phrase "as applicable" after the word "payment", he supported the subamendment put forward by the Government member of Australia.

403. The Employer Vice-Chairperson and Worker Vice-Chairperson reiterated their preference to retain the wording as it appeared in the subamendment proposed by the Government member of Australia, without introducing any additional insertions.

404. The Government member of the United States was willing to withdraw his subamendments, but requested that the Drafting Committee consider the ambiguity of the language regarding the ownership of the digital technology in the course of its work.

405. The Government member of Australia stated that he did not agree as the proposed change was not a matter of correcting a drafting ambiguity but would alter the substantive meaning of the provision.

406. The amendment was adopted as subamended. As a result, ten amendments (A.162, A.14, A.168, A.144, A.16, A.70, A.127, A.128, A.72, A.35) fell.

407. Point 3(a) was adopted as amended.

Point 3 – New clause before clause (b)

A.18

408. The Government member of Poland, speaking on behalf of the EU Member States, introduced an amendment to include before point 3(b), a new clause to read "The term 'person performing digital platform work' means an individual performing platform work regardless of their status in employment or whether they are in the formal or informal economy". The amendment was sponsored by 39 countries. There were different possible relationships between a person performing platform work and the digital labour platform. Some workers might be in an employment relationship, some self-employed, and, under certain national laws, others could belong to a third category with a different level of protection. Hence, there was a need to differentiate between the types of persons performing digital platform work. The proposed definition covered everyone, irrespective of their employment status, while a subsequent amendment would define the term "digital platform worker" as a person in an employment relationship. In the subsequent points under discussion, it would then be possible to define which labour protections should apply to each type of worker. The amendment made the instrument implementable and enforceable in many countries around the world.

409. The Worker Vice-Chairperson did not support the amendment introduced by the Government member of Poland on behalf of the EU Member States. The Workers' group preferred the original definition contained in point 3(b) of the proposed Conclusions, which offered a broad definition, which was necessary to ensure that all platform workers received adequate protection through the standard. The new clause would confuse the issue of misclassification and would introduce a hierarchy of protections and of the meaning of "worker", both of which should be avoided. It was important to set a standard that applied to all from the start, in a principled manner, and look at the other aspects later.

410. The Employer Vice-Chairperson agreed that the instrument should capture the different classifications of workers across with national contexts, and indicated that she may propose subamendments after hearing from Governments.

411. The Government member of Argentina supported the amendment introduced by the Government member of Poland on behalf of the EU Member States.

412. The Government member of Switzerland preferred an instrument limited to employees. However, recognizing the problem of disguised self-employment, he could support the amendment.

413. The Government member of Oman, speaking on behalf of GCC countries, introduced a subamendment to delete the words "their status in employment" as he considered that such a reference would include the self-employed in the definition.

414. The Government member of Australia did not support the amendment introduced by the Government member of Poland on behalf of the EU Member States. The purpose of the amendment, as well as several subsequent ones, appeared to be the exclusion of self-employed workers from key protections. Given that most digital platform workers were not employees, the Convention should target those in need of additional protection, regardless of their employment classification.

415. The Government members of Argentina, Brazil, Canada, Namibia, speaking on behalf of the Africa group, and Uruguay, did not support the amendment introduced by the Government member of Poland on behalf of the EU Member States.

416. The Government member of Norway supported the amendment proposed by the Government member of Poland on behalf of the EU and its Member States. It was useful to define a broad category that included everyone working in the platform economy alongside a narrower definition that applied only to employees.

417. The Government member of the United States requested clarification from the Office on whether the term “status in employment” had been used outside of statistical categories, and if it denoted an employment relationship.

418. The representative of the Secretary-General stated that “status in employment” was an expression that has been used in other international labour standards and that it did not refer to one particular status.

419. The Government member of Poland, speaking on behalf of the EU and its Member States could not support the subamendment proposed by the Government member of Oman, speaking on behalf of the GCC countries, because it sought to exclude the self-employed from the proposed definition.

420. The Government member of Oman, speaking on behalf of the GCC countries, withdrew the subamendment.

421. The Employer Vice-Chairperson noted the importance of conceptual clarity around which workers would be covered by which provisions. However, acknowledging the limited support for the amendment (A.18) proposed by the Government of Poland on behalf of the EU Member States, the Employers’ group was willing to follow consensus.

422. The amendment was withdrawn.

Point 3(b)

A.161

423. The Government member of Switzerland, speaking also on behalf of the Governments of Norway and Türkiye, introduced an amendment, to replace the words “employed and engaged to work” by the words “who is in an employment relationship as defined by applicable national law, collective agreements or practice in force”, so that the text read: “the term “digital platform worker” means a person who is in an employment relationship as defined by applicable national law, collective agreements or practice in force”. It also deleted the semicolon after “remuneration” in subclause (ii) and deleted subclause (iii), which read, “regardless of their status in employment or whether they are in the formal or informal economy”. The aim was to clarify that the Convention would apply to employees only.

424. The Worker Vice-Chairperson did not support the amendment. She reiterated that the definition of “worker” should remain broad and inclusive, covering all workers regardless of the nature of their contractual relationship.

425. The Government member of the United States supported the amendment introduced by the Government member of Switzerland. The instrument should be limited to those within an employment relationship. Many of the subsequent provisions, if applied to truly independent contractors, could interfere with commercial relationships and risk exceeding the mandate of the Committee.

426. The Government members of New Zealand and Oman, speaking on behalf of the GCC countries, supported the amendment.

427. The Government members of Australia, Argentina, Mexico, Poland, speaking on behalf of the EU and its Member States, Singapore, and Uruguay, did not support the amendment. The scope should not be limited to persons in an employment relationship, but rather should be as broad as possible. In many countries, workers in an employment relationship were already covered by the laws. At the same time, platform workers in an employment relationship were sometimes treated as self-employed. The scope should not exclude independent contractors or other workers in other forms of employment where key normative gaps existed.

428. The Government members of Brazil and Namibia, speaking on behalf of the Africa group, did not support the amendment. Protections should not be restricted. Many workers still worked in the informal economy, and all forms of employment, including informal ones, should be recognized.

429. The Government member of India did not support this amendment. Under national law, platform work was treated as a distinct category outside the traditional employment relationship, making the phrase "who is in an employment relationship" difficult to accept.

430. The Government member of Switzerland introduced a subamendment, reintroducing subclause (iii) "regardless of their status in employment or whether they are in the formal or informal economy". In clause (b), he added the words "according to" after the words "person who," and deleted the phrase "is in an employment relationship as defined by". The subamendment clarified that measures should align with existing national frameworks, striking a middle ground between those favouring a broad approach encompassing various contractual relationships and those concerned with legal certainty.

431. The Government member of the United States seconded the subamendment, stating that it addressed some of his concerns regarding the instrument's potential overreach and interference in genuine commercial relationships. He requested clarification from the Legal Adviser on whether ILO instruments could require or encourage national measures that interfered with commercial relationships.

432. The Legal Adviser responded that the ILO's mandate was defined by its Constitution, particularly its Preamble, and had historically been interpreted broadly, since the early years of the ILO. Citing early advisory opinions from the Permanent Court of International Justice, in which the Court described the terms in which the Constitution expressly defined the competence of the ILO as a language that "could hardly be more comprehensive", she noted that these authoritative interpretations of the Constitution had shaped the ILO's constitutional practice according to which the ILO had the necessary mandate to deal with any matter having an impact on labour conditions. This broad interpretation was reflected in the Declaration of Philadelphia, integrated into the ILO Constitution, which established the ILO's responsibility to consider all international economic and financial policies in the light of the fundamental objective of social justice. It was ultimately up to the Conference to decide how to give effect to the mandate through adopted instruments.

433. The Government member of Argentina supported the subamendment introduced by the Government member of Switzerland.

434. The Government member of Australia advised caution regarding the use of the phrase "applicable national law," which could potentially result in the removal of protections for workers, depending on how national laws were structured.

435. The Worker Vice-Chairperson did not support the subamendment. It was unhelpful to define digital platform workers at the international level by immediately referencing national law, collective agreements or practice, as it could complicate the definition rather than clarify it. The original Office text was clearer, more straightforward, and provided better guidance to governments lacking existing legal provisions. For these reasons, she did not support the amendment.

436. The Employer Vice-Chairperson introduced a further subamendment to delete the reference to "collective agreements" in point 3(b) and to replace the words "their status in employment or whether they are in the formal or informal economy" with the word "classification" after the words "regardless of" in point 3(b)(iii) so the text read: "regardless of their classification".

437. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Employers' group, noting that informal workers might not be covered by national laws. He preferred to retain the original wording proposed by the Office.

438. The Employer Vice-Chairperson withdrew the subamendment.

439. The Government member of Switzerland withdrew the subamendment and amendment.

440. The amendment was withdrawn

A.20

441. The Government member of Poland, speaking on behalf of the EU Member States, introduced an amendment to replace the words "employed or engaged to work" with "performing platform work in an employment relationship" so that clause (b) would read: "the term digital labour worker means a person performing platform work in an employment relationship." He stated that the amendment was to be understood in tandem with a previous amendment (A.18) that had introduced the term "person performing digital platform work" but given the lack of support for the previous amendment, he withdrew the amendment.

A.73

442. The Employer Vice-Chairperson introduced an amendment to point 3(b) to replace the phrase "employed or engaged" with the phrase "who chooses" so that clause (b) would read: "the term digital labour platform worker means a person who chooses to work". The phrase "who chooses" reflected the autonomy of platform workers, emphasizing that the majority of platform workers were self-employed and exercised control over how they worked.

443. The Worker Vice-Chairperson did not support the amendment. She recognized that workers chose to engage in platform work, otherwise it would constitute forced labour. The core issue lied in the contractual relationship between the worker and the digital labour platform, and the phrase "who chooses" was inappropriate. She supported the Office text.

444. The Government members of Chile and Poland, speaking on behalf of the EU and its Member States, did not support the amendment. If working was not the worker's choice, it could indeed suggest forced labour, which was not the issue point 3(b) aimed to address. He expressed support for the Office's text which aligned with ILO terminology and was broad enough to encompass the variety of contractual arrangements.

445. The Government members of Namibia, speaking on behalf of the Africa group, Australia, Mexico, and Uruguay did not support the amendment. The phrase undermined the clarity and coherence of the instrument.

446. The Government members of Argentina and Canada did not support the amendment. For many workers, platform work was a means to survive rather than a true free choice.

447. The Employer Vice-Chairperson introduced a subamendment to replace the phrase "chooses" with "works" so that clause (b) would read: "the term "digital labour platform worker" means a person who works: (i) on or through a digital labour platform; (ii) regardless of their classification."

448. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the subamendment because it would make the definition circular.

449. The Government members of Argentina, Australia, and Belize did not support the subamendment.

450. The Worker Vice-Chairperson did not support the subamendment proposed by the Employers' group.

451. The amendment was withdrawn.

A.74

452. The Employer Vice-Chairperson introduced an amendment to replace the word "work" with "carry out services". There was agreement that platform workers carried out services, although those services varied.

453. The Worker Vice-Chairperson did not support the amendment and preferred the term "work" to maintain consistency with the agreed definition of digital labour platforms. The service was provided by the digital labour platform and not by the worker. Moreover, platform workers performed types of work, such as microtasks, that might not qualify as a "service".

454. The Employer Vice-Chairperson asked the Worker Vice-Chairperson why she considered that a microtask was not a service.

455. The Worker Vice-Chairperson noted that her core concern with the amendment did not concern the notion of task but rather that a service was what a digital labour platform carried out, while persons, who were the subject of the clause, performed work, and not services.

456. The Government member of Poland, speaking on behalf of the EU Member States, did not support the amendment. It was agreed that the persons working in digital labour platform did "work".

457. The Government members of Australia, Mexico, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

458. The amendment was withdrawn.

A.75

459. The Employer Vice-Chairperson introduced an amendment to replace "for the provision of the service organized by" with "on or through", to read "on or through a digital labour platform".

460. The Worker Vice-Chairperson did not support the amendment because it was not in line with the agreed definition of digital labour platform.

461. The Government members of Australia, Barbados, Brazil, Canada, Namibia, speaking on behalf of the Africa group, Poland, speaking on behalf of the EU and its Member States, and Uruguay did not support the amendment. They preferred the Office text, which was clearer.

462. The Government members of Argentina and the United States supported the amendment, as it reflected the actual legal relationships between platform workers and digital labour platforms.

463. The Employer Vice-Chairperson proposed a subamendment to reinsert the words "for the provision of service" before the words "on or through a digital labour platform", aiming to reflect earlier agreed language and bring the clause closer to the Office text.

464. The Worker Vice-Chairperson did not support the subamendment. The wording did not align with the previously agreed definition and altered the nature of the earlier consensus.

465. The Government member of the United States did not support the subamendment as it was not consistent with the definition of digital labour platform. He proposed a subamendment to replace the words "on or through a" with the words "organized and/or facilitated by". The resulting text would read: "for the provision of the service organized and/or facilitated by a digital labour platform".

466. The Government member of Argentina seconded the subamendment of the Government member of the United States.

467. The Government members of China, India, Namibia, speaking on behalf of the Africa group, Switzerland, and the United Kingdom supported the subamendment by the Government member of the United States. It ensured consistency with the previously agreed definition of digital labour platform.

468. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment proposed by the Government member of the United States as it reflected the language of the definition of "digital labour platform".

469. The subamendment was adopted.

470. The amendment was adopted as subamended.

471. The Government member of Mexico noted a discrepancy between the English and Spanish versions of the text. The English term "engaged" could imply a flexible or non-contractual relationship, whereas the Spanish term *"contratado"* signified a formal legal relationship. He requested that the Drafting Committee review the issue.

A.76

472. The Employer Vice-Chairperson introduced an amendment to delete subclause (ii), which read "for remuneration", which she subamended to retain subclause (ii) but to add, after "for remuneration", the words "or payment", in order to ensure consistency with earlier agreed language on the definition of digital platform work.

473. The Worker Vice-Chairperson did not support the subamendment. The debate around remuneration and payments still had to be resolved.

474. The Government members of Namibia, speaking on behalf of the Africa group, Australia, Barbados, India, Mexico, Switzerland, Türkiye, and the United States supported the subamendment to include 'or payment' as it adequately captured the ways in which all categories of platform workers might receive their income.

475. The Worker Vice-Chairperson requested guidance from the Office on the scope of "remuneration" and of "payment" and how the two concepts would be addressed in point 3(d) if the Committee were to already make a decision on its use in point 3(b).

476. The representative of the Secretary-General clarified that the term "remuneration" referred to both wages paid to employees and the labour income received by self-employed workers; however, it did not include reimbursement of costs or other expenses incurred by self-employed workers in the provision of services. The word "payment", as used here, did not have a specific definition in ILO standards. Those notions could be reflected during the discussion of subsequent provisions, including in point 3(d).

477. The Worker Vice-Chairperson supported the subamendment.

478. The subamendment was adopted.

479. The amendment was adopted as subamended.

480. An amendment (A.104) to replace the word "remuneration" with the term "payment/payout" fell.

A.19

481. The Government member of Poland, speaking on behalf of the EU Member States, withdrew an amendment to delete subclause (iii), which read "regardless of their status in employment or whether they are in the formal or informal economy.", as it was no longer relevant.

A.78

482. The Employer Vice-Chairperson introduced an amendment to replace the phrase "status in employment or whether they are in the formal or informal economy" with the word "classification", so that the text of the subclause read "regardless of their classification". The amendment had two objectives, first to use the legal term of "classification" instead of "status in employment", which was a statistical concept; and second to remove the reference to informality from the definition of platform worker. The digital payment and tracking systems brought by digital labour platforms contributed to formalization. Moreover, informal or formal status had never been included in the definition clauses of an international standard, even in the Domestic Workers Convention, 2011 (No. 189), which concerned a sector with typically high rates of informality.

483. The Worker Vice-Chairperson did not support the amendment introduced by the Employers' group. Although used in common parlance, "classification" was not a clear legal concept, and less established than "status in employment," which was widely used in the comments of the ILO supervisory mechanism. Moreover, the future standards should cover all workers, including those in the informal economy who often lacked social protection, had limited or no bargaining power, and faced unilateral platform-imposed contract terms.

484. The Government member of Mexico sought clarity on the definition of status in employment and how it related to informal and formal employment, as in Mexico, it was possible to be an employee and in informal arrangements as much as it was possible to be self-employed and have access to social security. He did not support removing references to formal or informal economy.

485. The Government member of Switzerland supported the Employers' group amendment. The term "classification" was sufficient to refer to the underlying situation of the platform worker, and although informality was important, it often referred to undeclared work, which required a particular set of measures, and referencing it in the definition would create confusion.

486. The Government member of Poland, speaking on behalf of the EU Member States, did not support the amendment. Although “status in employment” was a statistical term, it was sufficiently clear. He also recalled that the definition of digital labour platforms now encompassed relationships that were “facilitated”, which was precisely where there was a higher risk of informality. He proposed a subamendment to insert, after the words “classification”, the words “of status in employment or whether they are in the formal or informal economy”.

487. The Government member of Barbados felt that either “classification” or “status in employment” would be appropriate, as both were understood contextually; however, the phrase “whether they are in the formal or informal economy” was necessary. Where national laws did not yet cover platform workers, governments would rely on the eventual Convention to protect them. As many platform workers remained in the informal economy, it was important that they fall explicitly within the scope of the Convention.

488. The Government members of Australia, Argentina, Brazil and Namibia, speaking on behalf of the Africa group supported retaining the phrase “whether they are in the formal or informal economy”. A significant share of the platform economy was informal and the eventual standards must explicitly cover them.

489. The Worker Vice-Chairperson supported the subamendment introduced by the Government member of Poland on behalf of the EU Member States, as it strengthened the subclause.

490. The Employer Vice-Chairperson did not support the subamendment by the Government member of Poland on behalf of the EU Member States. While informality was a challenge, there was no clear link established between informality and platform work. Digital labour platforms provided a digital track record that supported registration and formalization.

491. The Government member of Mexico supported the subamendment by the Government member of Poland on behalf of the EU Member States.

492. The Government member of Türkiye could not support the phrase “regardless of their classification of status in employment” if it included self-employed workers. Platform workers should enjoy the same rights as other workers, including rights related to retirement, occupational health and safety and broader labour protections. At the same time, the status of digital platform workers would affect their social security coverage and entitlements in case of occupational accidents or diseases. He asked the Office to clarify the scope and meaning of the phrase.

493. A representative of the Office explained that the proposed Conclusions referred explicitly to the formal and informal economy because, in many countries, a significant share of platform workers operated in the informal economy, for example, in Africa, where approximately 90 per cent of workers were in the informal economy. Not having an explicit reference to informal economy workers therefore could mean that a substantial portion of the workforce might be overlooked. While the reference to informality was not typically used in the definitions in ILO standards, they were in a few instances included in their scope, such as in Convention No. 190, and the Occupational Safety and Health Convention, 1981 (No. 155).

494. The Government member of Poland, speaking on behalf of the EU and its Member States stated that the term “classification of status in employment” was drawn from statistical references that encompassed both employees and the self-employed.

495. The Government member of India supported the subamendment proposed by the Government member of Poland on behalf of the EU Member States in light of the explanation provided by the Office.

496. The Government member of Chile stated that the aim should be to protect platform workers regardless of their status in important, and to allow for statistics to be disaggregated by sex, age and other factors. No one should be excluded from protection due to their informal status.

497. The Employer Vice-Chairperson introduced a subamendment to delete the reference "or whether they are in the formal or informal economy" in point 3(a)(iii). Whether a worker was in the formal or informal economy was not a criterion for being considered a worker. Although informality may be a characteristic of some digital platform workers in specific contexts, so too were other factors such as age, gender, or geographic context (urban or rural), and yet those would not be considered defining elements of platform workers. Moreover, the standard under discussion targeted the platform economy, not the informal economy. Formalization was nonetheless an important concept. She therefore proposed to include references to it in the Preamble, after point 6(c), and after point 31. A new point could be introduced after point 6(c) that would read: "recognizing that, given the digital nature of the platform economy, platform work has offered a new path for the formalization of work, creating a unique access to decent work opportunities in countries of all development stages;". The new point after point 31 would read "each member should establish policies that facilitate MSMEs' use of digital platforms and technology at large to strengthen client reach and increase formalization for MSMEs".

498. The Worker Vice-Chairperson did not support the subamendment to remove "or whether they are in the formal or informal economy" as several had Governments indicated that informality was one of the major problems that needed to be acknowledged in the instrument.

499. The Employer Vice-Chairperson proposed to move the phrase on informality from the definition and to include it instead in point 7(b), pertaining to the scope of the instrument, in addition to her previous proposal to alter the text following point 6 and point 31. She noted that this approach had been take in Convention No. 190.

500. The Government member of Canada did not support the subamendment introduced by the Employer Vice-Chairperson. Recognizing the positive role digital labour platforms played in transitioning to the formal economy, she noted that considerable research indicated that platforms also contributed to increasing informality, even within the formal economy.

501. The Government member of Australia did not support the subamendment introduced by the Employer Vice-Chairperson. He expressed uncertainty about how moving the phrase to point 7 would work in practice, since point 7 of the proposed Conclusions referred to the two definitions contained in point 3. Adding additional text would only increase complexity. Moreover, referencing characteristics such as gender, age, and urban rural location was not a suitable comparison, as the platform economy's material impact on formalization was relevant and deserved to be reflected directly in the definition.

502. The Government member of India supported the subamendment introduced by the Employer Vice-Chairperson to delete the words "or whether they are in the formal or informal economy", but did not wish to see them moved to point 7. Platform economies were highly formalized, as every worker was registered with the platform.

503. The Government members of China supported the subamendment by the Employers' group to delete the phrase from point 3. The phrase "formal or informal economy" lacked a clear definition, making its inclusion potentially confusing.

504. The Government member of Switzerland supported the subamendment by the Employers' group to delete the phrase from point 3(b), but was open to seeing a reference to informality appear elsewhere in the instrument.

505. The Government member of Mexico, speaking on behalf of GRULAC, did not support the Employers' group subamendment and preferred to revert to the original text of the proposed Conclusions. Informality presented a real challenge, even if platform work offered an opportunity to extend social protection and reduce informality. Referring to formality and informality in the clause did not impose a classification but rather recognized a real phenomenon.

506. The Government member of Brazil noted that the phrase "or whether they are in the formal or informal economy" must appear somewhere in the proposed Conclusions, and including it in point 7(b) was indeed an option.

507. The Government member of Oman, speaking on behalf of the GCC countries, supported the subamendment to delete the phrase "or whether they are in the formal or informal economy" and relocate it to point 7(b). The phrase must appear in the instrument, as the platform economy was indeed still evolving.

508. The Government member of Argentina stated that an action plan would be better equipped than an international labour standard to address precarity and promote formalization in the platform sector, with tripartite cooperation and support from the Office, as has been done in the fight to end child labour.

509. The Government member of Namibia, speaking on behalf of the Africa group, highlighted the importance of reflecting informality in the text. While that could be done in the scope under point 7(b), it should already be reflected in the definition under point 3(b). Most digital platform workers in Africa operated in the informal economy, which must be explicitly reflected in the definition to avoid ambiguity. Retaining the phrase was essential to ensure all types of workers are recognized and protected, particularly those vulnerable to misclassification.

510. The Government member of the United States did not support the subamendment to delete the phrase "or whether they are in the formal or informal economy". The phrase could stay in point 3(b) or point 7(b) without any significant ramifications.

511. The Government member of Kenya did not support the subamendment. Including the phrase in the definition was essential to ensure protection for vulnerable workers and to uphold the principle of leaving no one behind.

512. The Government member of Barbados did not support the subamendment. Introducing new terminology such as "formal or informal economy" in ILO instruments was justified, even if unprecedented, due to the novelty, evolution and scale of the platform economy.

513. The Government member of Poland, speaking on behalf of the EU and its Member States, requested that the Employers' group provide the exact wording they proposed for point 7(b).

514. The Employer Vice-Chairperson clarified that the proposed subamendment was to relocate the phrase "whether they are in the formal or informal economy" to point 7(b), to read: "The Convention should apply to (a) all digital labour platforms; (b) all digital platform workers, whether they are in the formal or informal economy." She further recalled that the decision point regarding the wording of "classification of status of employment" had not yet been taken.

515. The Worker Vice-Chairperson did not support the subamendment to delete the phrase "whether they are in the formal or informal economy" in point 3(b) but expressed openness to the subamendment to relocate it to point 7(b). She sought clarification on whether the phrase would appear entirely within clause (b) or apply across both clauses (a) and (b), and asked the Office to confirm if there were any legal implications of including the phrase in the scope rather than in the definition. It would also be preferable to finish the debate on "classification of status in employment" before closing the discussion.

516. The representative of the Secretary-General confirmed that moving the phrase "whether they are in the formal or informal economy" from point 3(b) to point 7(b) would not have any legal ramifications, as the instrument would still cover informal platform workers.

517. The Government members of Namibia, speaking on behalf of the Africa group, Australia and Barbados, could support the subamendment to move the phrase "whether they are in the formal or informal economy" to point 7(b) provided that that phrase would not be subject to subamendment once under point 7(b). The Government members of Namibia, speaking on behalf of the Africa group and Australia, noted that if that were not guaranteed, the text should instead be bracketed in point 3(b)(iii) until it was discussed and decided upon in point 7(b).

518. A representative of the Office clarified that if the Committee agreed to the Employer Vice-Chairperson's subamendment to relocate the phrase "whether they are in the formal or informal economy" to point 7(b), the subamendment would be considered adopted. Consequently, point 3(b)(iii) would end at "classification of status in employment", unless any further subamendments were made to the remaining part of the subclause. When point 7(b) would be discussed, the amendments already submitted to that point would be discussed, as per the usual procedure, but the text "whether they are in the formal or informal economy" would no longer be subject to subamendment.

519. The Government member of Namibia, speaking on behalf of the Africa group, supported the subamendment proposed by the Employers' group to move the phrase to point 7(b) on the basis of the Office's confirmation that it would not be open to discussion or subamendments once the Committee discussed point 7(b).

520. The Government member of India did not support relocating the phrase to point 7(b) and requested that point 3(b) be bracketed.

521. The Government member of Türkiye supported the subamendment to delete the phrase "whether they are in the formal or informal economy" from the definition, while also supporting the reference to the formal and informal economy elsewhere in the text. It was however important to finish the debate on the inclusion of the words "regardless of classification of status in employment". Subclause 3(b)(iii) should distinguish between digital platform workers and the self-employed, particularly under national legislation where self-employed persons may also be employers.

522. The Worker Vice-Chairperson supported the subamendment, on the basis of the Office's confirmation that the text would not be subject to subamendment under point 7(b).

523. The Employer Vice-Chairperson's subamendment to move "whether they are in the formal or informal economy" from point 3(b) to point7(b) was adopted, on the understanding that the phrase would not be subject to subamendment under point 7(b).

524. Returning to the discussion on classification, the Worker Vice-Chairperson reiterated her support for the inclusion of the words "classification of status in employment.", as reflected in the subamendment earlier proposed by the Government member of Poland on behalf of the EU Member States.

525. The Employer Vice-Chairperson restated that they did not support the inclusion of the words "of status in employment". The word "classification" alone was enough to include employees, the self-employed, and the third category, which must all fit the definition.

526. The Government members of Australia, Mexico, Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States reiterated their support for the formulation "classification of status in employment", as it would clearly include employees and the self-employed. "Classification" alone would be too vague, as it was not clear by what platform workers were being classified.

527. The Government member of Oman, speaking on behalf of the GCC countries, did not support the inclusion of the words "of status in employment" after the word "classification."

528. The Government member of Uruguay noted that it might be clearer for the text to say, "regardless of the classification of the contractual relationship".

529. The Employer Vice-Chairperson expressed the need for legal clarity in the discussion and on the various offered formulations. She further indicated that a possible solution would be a subamendment with the formulation "regardless of their contract type" in light of the comments made by the Government member of Uruguay.

530. The Government members of Argentina, Australia, Mexico, Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States observed a clear majority favouring the formulation "classification of status in employment".

531. The Employer Vice-Chairperson withdrew the subamendment referring to "contract type". The core issue was the absence of a perfect ILO term to capture the intended concept. The term "status in employment" might exclude self-employed workers in some national contexts, while "employment status" could refer to being employed, unemployed, or outside the labour force, which also did not fit. While she preferred to bracket the text, she proposed a subamendment to replace the words "their contract type" with the words "whether they are an employee, self-employed, or, where applicable and in line with national law, a third category."

532. The Worker Vice-Chairperson did not support the subamendment, citing broad support for the wording "classification of status in employment".

533. The representative of the Secretary-General explained that "status in employment" was a term used for statistical purposes and formed part of international statistical standards. She clarified its meaning, noting that it referred to different types of employment, including both employment for profit and employment for pay. It captured employees, the self-employed, and categories that fell in between the two.

534. The Government member of the United Kingdom supported the subamendment introduced by the Government member of Poland on behalf of the EU Member States to refer to "classification of status in employment". There was broad consensus on that wording and urged the Committee to adopt it.

535. The Employer Vice-Chairperson introduced a further subamendment to replace the entire phrase of point 3(b)(iii) to read: "irrespective of the nature of the contractual relationship". She argued that such a phrase could work for everyone, especially regarding interpretation of the term "status in employment".

536. The Government member of Poland, speaking on behalf of the EU and its Member States did not support the subamendment by the Employers' group. He recalled that his previous subamendment included both the wording chosen by the Employers' group ("classification") and referred to clear terms of referenced used in statistics (of status in employment). Given the explanation given by the Office and support from other Government members, there appeared to be consensus on that wording, so he urged other parties not to introduce further subamendments. The Government members of Australia, Mexico, and Namibia, speaking on behalf of the Africa group, aligned with the statement.

537. The Government member of the United States did not support the further subamendment of the Employers' group, and aligned with the statement made by the Government member of Poland on behalf of the EU and its Member States. Moreover, the word "contractual" added unnecessary confusion, as the Committee had already agreed that the instrument should cover workers in the formal and informal economy, and many platform workers did not have a formal contractual relationship.

538. The Employer Vice-Chairperson stated that if there was agreement that the word "engaged" in clause (b) captured individuals not in an employment relationship, and that the terms "classification of status in employment" as proposed by the Government member of Poland on behalf of the EU Member States encompassed all classification types, then the Employers' group would be willing to withdraw their subamendments. She asked for confirmation from the Office on these two points.

539. The representative of the Secretary-General confirmed that the term "engaged" was broader than "employed" and would cover those who are self-employed as well as those in the third category, while the term "employed" would capture persons within an employment relationship and might not fully reflect categories such as those used in China or the United Kingdom.

540. The Employer Vice-Chairperson withdrew the subamendment.

541. The amendment was adopted as subamended.

A.105

542. The Government member of India introduced amendment to insert at the end of point 3(b) (iii) the words: "in accordance with their status under national laws and regulations." Classifications should align with national laws, which varied by country.

543. The Employer Vice-Chairperson seconded the amendment, expressing general support for referencing national laws and regulations to clarify the provision.

544. The Worker Vice-Chairperson did not support the amendment. The definition already covered all workers, regardless of their arrangements. The definitions of an international labour standard should not be tied to a particular national legal framework.

545. The amendment was withdrawn.

546. Point 3(b) was adopted as amended.

New point after point 3(b)

A.42

547. The Government member of the United States introduced an amendment to insert, after point 3(b), the words: "The term 'self-employed worker' means any person performing platform work who has been categorized as self-employed in accordance with national law and practice." The aim was to distinguish truly self-employed platform workers from those in employment relationships or in a third category of dependent or subordinate workers, to facilitate the application and enforcement of the instrument. While misclassification could be an issue, point

21 of the proposed Conclusions addressed it. Protections should be based on the workers' status and overly broad definitions might lead to under protection of employees or overregulation of independent workers.

548. The Employer Vice-Chairperson seconded the amendment.

549. The Worker Vice-Chairperson did not support amendment. It was important to maintain a broad definition that included all workers, with flexibility introduced later in the instrument, where needed. She acknowledged that truly self-employed persons existed, but most platform workers were misclassified. It would therefore not be helpful to separate self-employed workers.

550. The Government member of Argentina supported the amendment, considering it a useful clarification of worker categories for the instrument.

551. The Government members of Australia, Barbados, Chile, Mexico, Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States, did not support the amendment as it was not necessary to define self-employed workers when the Committee had agreed on a definition of platform economy workers as a whole. The Government member of Poland, speaking on behalf of the EU and its Member States, further noted that the phrasing introduced some circularity into the clause.

552. The Government members of China and Switzerland supported the amendment and emphasized the need for clear distinctions between employees and self-employed workers for legal certainty.

553. The Government member of the United States introduced a subamendment to replace the words "person performing" with "digital" to address the issue of circularity. The new text would read: "The term "self-employed worker" means any digital platform worker who has been categorized as self-employed in accordance with national law and practice".

554. The Government member of Argentina seconded the subamendment, as it was in line with point 21 of the proposed Conclusions and the need to properly classify employment relationships in the platform economy. Also relevant was the link to the Employment Relationship Recommendation, 2006 (No. 198), and the difficulties of identifying attempts to disguise employment relationships. It was therefore particularly important to ensure a clear definition of self-employed workers.

555. The Government members of Singapore and Uruguay did not support the amendment or the subamendment. The need was to have a consistent standard for all platform workers with no distinction.

556. The Government member of South Africa did not support the amendment, nor its subamendment. He said the word "categorized" was misleading and there was no need to revert to different national contexts in the definition.

557. The Government member of Türkiye did not support the amendment because the reference to self-employed workers would lead to a complicated understanding.

558. The Government member of Chile did not support the amendment nor the subamendment. Point 21 of the proposed Conclusions did call for the correct classification of employment. Point 22 also established that those should not interfere with genuine civil and commercial relationships, while ensuring the protection of platform workers in an employment relationship. Self-employed workers already benefited from a certain degree of protection. It was those workers in dependent or disguised employment relationships that required attention.

559. The Worker Vice-Chairperson did not support the amendment or subamendment. It was unnecessary and potentially limited protection for all workers. It was now clear that point 3(b) covered both workers that were “employed” and those that were “engaged”. It was not correct to split the categories now. Moreover, point 21 would address how national law could be taken into consideration in line with the Employment Relationship Recommendation, 2006 (No. 198).

560. The Employer Vice-Chairperson supported the amendment and emphasized the importance of distinguishing between employed and self-employed workers. She said that, for example, provisions on occupational safety and health measures and limits on number of working hours could not be imposed in practice on a self-employed worker. She also proposed a grammatical subamendment to replace “has been” with “is” to specify the current situation of the worker so that the sentence read “worker who is categorized….”.

561. The Government member of the United Stated withdrew the amendment in the spirit of consensus. However, it was important to recognize self-employment as a concept moving forward. The aim was to create an instrument that governments could ratify. When discussing further points of the proposed Conclusions, it would be important to distinguish between employees, self-employed and potentially a third category. Not all platform work involved subordination or control, some workers were truly independent. There was a structural gap within the ILO’s tripartite model, which was built around the participation of workers, employers and governments. Truly independent professionals were not represented in the model. As they constituted a significant and growing share of the platform economy, regulating them without their representation would be potentially harmful.

562. The amendment was withdrawn.

Point 3(c)

A.81 and A.160

563. Identical amendments to delete point 3(c) were introduced by the Employers’ group (A.81) and by the Government members of Switzerland, Japan and Türkiye (A.160).

564. In introducing the amendment (A.81), the Employer Vice-Chairperson explained that consultations with companies and employer membership-based organizations revealed no examples of intermediaries that did not already fall under the definition of digital labour platform. As there was no real distinction between the two, the inclusion of the intermediary concept introduced confusion and legal uncertainty. The instrument should focus on digital labour platforms.

565. The Government member of Switzerland, speaking on behalf of the Government members of Japan and Türkiye, introduced the amendment explaining that intermediaries existed across all jurisdictions, but the legal understanding of the term varied significantly. Given that intermediaries were long existing concepts, not a new feature of the digital economy, and that jurisdiction started from different legal baselines, defining them anew in an international instrument would be challenging.

566. The Worker Vice-Chairperson did not support the amendments (A.81, A.160). There were references to intermediaries later in the text, which therefore needed to be clearly defined. They were part of the digital labour platform landscape and had been proliferating. While the contractual relationship between digital labour platform and workers, along with the related responsibilities, was generally clear, the involvement of an intermediary could create a new one between the worker and the intermediary. It was important that such relationships also be subject to regulation.

567. The Government member of Oman, speaking on behalf of the GCC countries, did not support the amendment (A.81, A.160), noting that it conflicted with national regulations and established practice in GCC countries. Intermediaries could not be left out, as doing so would undermine recognition of the complexity of the business model.

568. The Government members of Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States, did not support the amendment (A.81, A.160). The absence of a definition of intermediaries would create a loophole, potentially allowing some workers to be excluded from the scope of the Convention.

569. The Government member of Mexico requested the Office to explain whether the reference to intermediaries in points 39 and 40 of the proposed Conclusions implied shared responsibility between platforms and intermediaries, and whether such arrangements were grounded in existing jurisprudence

570. The Government member of Barbados did not support the amendment (A.81, A.160). While acknowledging that the phrase "organize and/or facilitate" could have encompassed all intermediaries, a clear definition remained important given the rapid evolution of this area of economic activity.

571. The Government member of Australia did not support the amendment (A.81, A.160). Removing the definition would result in a major protection gap, as digital labour platforms might outsource worker engagement to intermediaries not covered by the Convention. She noted that the references to intermediaries in points 39 and 40 of the proposed Conclusions were critical for implementation and compliance.

572. The Government member of the United States supported the amendment (A.81, A.160). He described the definition of intermediary as redundant and confusing and added that references in points 39 and 40 of the proposed Conclusions could be revised without relying on a separate definition of intermediaries.

573. The representative of the Secretary-General explained that point 40 of the proposed Conclusions referred specifically to cases where the use of intermediaries was permitted, which was not the case in all countries. The inclusion of a definition was intended to capture diverse national contexts and ensure comprehensive application. The language used in point 40 reflected that of the Private Employment Agencies Convention, 1997 (No. 181).

574. The Government member of Canada did not support the amendment (A.81, A.160) on removing the definition of intermediaries. She highlighted the growing role of intermediaries as a business model in the platform economy and warned that omitting the definition would represent a major gap in the standard.

575. The Employer Vice-Chairperson noted that the intention was not to create a regulatory gap. All cases involving intermediaries would already be captured under the definition of digital labour platforms. In practice, there was no meaningful distinction between platforms and intermediaries, and adding a separate definition would only create confusion.

576. The Worker Vice-Chairperson did not support the amendment (A.81, A.160). The definition risked resulting in a large regulatory gap. Digital labour platforms often shifted responsibilities to intermediaries to avoid new regulations. If intermediaries were not properly defined and included, platforms could exploit such loopholes. Any further clarifications could be addressed in points 39 and 40 of the proposed Conclusions.

577. The Employer Vice-Chairperson requested that the Office provide concrete examples of intermediaries that would not fall under the definition of digital labour platforms.

578. The representative of the Secretary-General recalled that the definition of digital labour platforms that had been adopted by the Committee included the use of automated decision-making systems. Yet there may be cases where intermediaries did not use such systems themselves but still supplied workers to digital labour platforms. These intermediaries, therefore, would not be captured under the digital labour platform definition.

579. The Worker Vice-Chairperson explained that they had encountered numerous instances where platforms, in response to regulation, had transferred responsibilities to intermediaries, often through franchising, to evade legal obligations. This was a documented pattern observed across jurisdictions.

580. The Government member of Mexico recalled Mexico's 2023 subcontracting reform, which revealed that 4 million workers had been falsely linked to intermediaries, resulting in reduced social security contributions, loss of benefits and weakened collective bargaining. A total of 8 million workers were reclassified as employees. Companies used intermediaries to evade obligations and removing the definition would undermine the instrument.

581. The Government member of the Democratic Republic of the Congo did not support the amendment (A.81, A.160). Intermediaries existed especially in decentralized and franchised digital platforms. The definition must be kept to ensure the instrument covered all relevant situations.

582. The Employer Vice-Chairperson confirmed that the Employers' group would not withdraw their amendment (A.81), which also called for the deletion of point 3(c). Subcontracting did exist widely but such cases were already covered under the definition of digital labour platforms. Franchise models that used technology to connect service providers and requesters were functionally platforms, and thus no regulatory gap would arise. Finally, the reference to automated decision-making had not appeared in the Office's original draft.

583. At the following sitting the Employer Vice-Chairperson withdrew the amendment (A.81). The Employers' group still had significant concerns that the terminology caused legal uncertainty because of the overlap between the definitions of the intermediary and the platform.

584. The Government member of Switzerland, speaking also on behalf of the Government members of Japan, and Türkiye, introduced a subamendment to their own amendment (A.160) to retain the clause and to insert the phrase ",in accordance with national law or practice," between the words "legal person that" and the words "makes available" to read: "The term 'intermediary' means a natural or legal person that, in accordance with national law or practice, makes available the work of a digital platform worker". Such wording would allow the term "intermediary" to be interpreted according to different legal systems, without altering the obligations of intermediaries and without limiting the protection afforded by the instrument.

585. The Government members of China and Oman, speaking on behalf of the GCC countries, supported the subamendment introduced by the Government member of Switzerland.

586. The Government member of Australia stated concern with the phrase ", in accordance with national law or practice," as it could allow governments to exempt themselves from the Convention's requirements by interpreting the term "intermediary" at their discretion. He requested clarification from the Office on the use and appropriateness of the term in ILO Conventions.

587. The representative of the Secretary-General explained that such wording was normally not used in provisions of definition and scope such as these as the intention was to keep these broad to avoid narrowing the application of the instruments. Referring to national law and practice was more common in operational provisions that defined the measures to be taken.

588. The Government members of Australia and Canada did not support the subamendment proposed by the Government member of Switzerland. While references to national law and practice could be included in provisions pertaining to the implementation of the instruments, including such language in the definition risked undermining its effectiveness.

589. The Government member of Switzerland clarified that the intent of the proposed subamendment was not to exclude intermediaries, but to help Governments target the relevant intermediaries in accordance with national law. Introducing such language would facilitate the achievement of the dual goals of instruments that offered a high level of protection and that were ratifiable across diverse legal systems.

590. The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Switzerland. The standards under debate should establish a clear international standard. Deferring to national law and practice could create significant protection gaps, especially in countries lacking such regulation.

591. The Employer Vice-Chairperson introduced a further subamendment to move the phrase ", in accordance with national law or practice," to the beginning of the sentence in clause 3(c) to read "In accordance with national law or practice, the term "intermediary" means a natural or legal person that makes available the work of a digital platform worker". This would offer greater clarity and avoid redundancy across the instrument.

592. The Government member of the United States supported the further subamendment by the Employers' group. He considered it a modest change and a viable compromise to move discussions forward.

593. The Government members of Brazil, Mexico, Namibia on behalf of the Africa group, the Niger, and Uruguay did not support the subamendment proposed by the Government member of Switzerland, nor the further subamendment by the Employers' group. References to national law should be exceptional as they undermine the effectiveness of international standards.

594. The Government members of China, India and Pakistan supported the subamendment proposed by the Government member of Switzerland to its own amendment (A.160), and the further subamendment by the Employers' group, citing the importance of respecting national contexts and diversity.

595. The Government member of Australia requested clarification from the Office on whether point 40 of the proposed Conclusions was designed to provide flexibility for Member States to determine and allocate the respective responsibilities of digital labour platforms and intermediaries to ensure compliance.

596. The representative of the Secretary-General clarified that point 40 acknowledged that there were countries where intermediaries were not permitted. In such cases, the obligations under the instrument rested solely with digital labour platforms. Where intermediaries did exist, the provision required Member States to determine, in accordance with national legislation, the respective responsibilities of platforms and intermediaries. The overarching aim was to ensure full compliance with the instrument's obligations, regardless of national regulatory frameworks.

597. The Government member of Australia did not support the further subamendment proposed by the Employers' group.

598. The Government member of Barbados did not support the subamendment proposed by the Employers’ group. Many small countries, including members of the CARICOM countries, lacked national legislation and relied on international instruments for guidance in dealing with large platform companies. Even the flexibility offered in point 40 would not assist countries like his, where platforms already operated without clear legal frameworks.

599. The Employer Vice-Chairperson withdrew the subamendment.

600. The Government member of Switzerland withdrew the amendment (A.160).

A.3

601. The Government member of China, seconded by the Employer Vice-Chairperson, introduced an amendment to delete “natural or” before “legal” from point 3(c) to read “The term ‘intermediary’ means a legal person that makes available the work of a digital platform worker”. This aligned with national legislation in China, which did not permit a natural person to be recognized as an intermediary.

602. The Government member of Mexico did not support the amendment noting that it contradicted previous discussions relating to point 3(a) on which a consensus had been reached.

603. The Worker Vice-Chairperson did not support the amendment noting that natural persons could be intermediaries.

604. The Employer Vice-Chairperson proposed a subamendment to replace the words “natural or” before “legal person” with the words “or, where applicable under natural law, natural person” after the words “legal person” so that the sentence read “The term ‘intermediary’ means a legal, or where applicable under national law, natural person that makes available the work of a digital platform worker:” This simplified the language and ensured consistency with the agreed definition of digital labour platforms.

605. The Worker Vice-Chairperson did not support the subamendment as it changed the nature of the definition of the intermediary and introduced a new entity into the chain between the platform and worker.

606. The Government members of Barbados, China, India, Mexico, Namibia, speaking on behalf of the Africa group, Oman, speaking on behalf of the GCC countries, Poland, speaking on behalf of the EU and its Member States, and Türkiye supported the subamendment introduced by the Employers’ group.

607. The Worker Vice-Chairperson supported the subamendment.

608. The subamendment was adopted.

609. The amendment was adopted as subamended.

A.143

610. The Government member of the Philippines, seconded by the Employer Vice-Chairperson, introduced an amendment to include “facilitates transactions and” between the word “that” and “makes” in clause 3(c) to read “The term ’intermediary’ means a legal person or, where applicable under national law, natural person that facilitates transactions and makes available the work of a digital platform worker.” The amendment aimed to capture two types of intermediaries: first, those that facilitated employment, in which a platform engages the services of an intermediary to find candidates for available jobs; and the second to facilitate transactions by performing a job, work or service on the digital labour platform itself. In the Philippines, smaller digital labour platforms use intermediaries to pay or remunerate platform workers. Such intermediaries also often collect service charges or fees on behalf of digital labour platforms. Both types could be natural persons or another digital labour platform. In the Philippines, the second type of intermediary was subject to joint and several liability with digital labour platforms regarding the rights of platform workers, whether employed or engaged through digital labour platforms.

611. The Employer Vice-Chairperson introduced a subamendment to replace the words "transactions and makes available the work of" with the words "the connection between" and to insert the words "digital labour platform and a" before the words "digital platform worker". She further proposed deleting subclauses 3(c)(i) and (ii) from clause 3(c) to read: "The term 'intermediary' means a legal person or, where applicable under national law, natural person that facilitates the connection between a digital labour platform and a digital platform worker." Transactions varied across jurisdictions due to the regulation of payment flows, so should not be reflected here. The subamendment aimed to focus on the connection between digital labour platforms and platform workers.

612. The Worker Vice-Chairperson did not support the subamendment introduced by the Employers' group as it changed the nature of the definition of the intermediary and undermined labour rights protection.

613. The Government member of India supported the subamendment introduced by the Employers' group for its simple language and ease of implementation.

614. The Government members of Australia, Brazil, and Mexico did not support the subamendment introduced by the Employers' group, as it obfuscated the fact that the connection between a digital labour platform and a platform worker could be contractual, or facilitated through one or more intermediaries in a subcontracting chain. The language should be clear to allow the Committee to assess which intermediaries should be regulated and how.

615. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment nor the subamendment proposed by the Employers' group.

616. The Government member of Barbados did not support the proposed subamendment by the Employers' group. Defining an intermediary necessarily involved referencing contractual and subcontracting arrangements, and including such language in the clause did not depart from a principle-based approach.

617. The Government members of the United Kingdom and the United States did not support the proposed subamendment by the Employers' group. Limiting the definition of an intermediary to those companies or individuals that connect platform workers to digital labour platforms would erroneously include an individual informally recommending a friend for work on a digital platform, or companies such as telecom firms or banks, both of which would then be subject to regulations and the prescriptive requirements in points 39 and 40 of the proposed Conclusions.

618. The Employer Vice-Chairperson withdrew the subamendments. She noted that the Employers' group had already made three rounds of concessions on an issue of significant importance to them. Moreover, the Workers' group appeared to want to set a new precedent for including liability provisions in ILO labour standards, an approach the Employers' group strongly disagreed with.

619. The amendment was withdrawn.

620. Point 3(c) was adopted as amended.

Point 3(d)

A.93

621. The Employer Vice-Chairperson introduced an amendment to insert the words ", for the employed, or "service payment", for self-employed workers", between the words "remuneration" and "means the amount" so that the text read "remuneration, for the employed, or "service payment", for self-employed workers, means the amount…". She also introduced a subamendment to remove the word "service" before "payment" to align the language to previous decisions. "Remuneration" pertained to employees, consistent with Convention No. 100, while "payment" referred to the self-employed.

622. The Worker Vice-Chairperson supported the subamendment to delete the word "service" before the word "payment" to reflect the language agreed on in other clauses of the same point. For the same reason, she did not support the reference to self-employed workers, as the definition should be as broad as possible.

623. She recalled an unresolved issue regarding the compensation for costs and expenses incurred by certain kinds of platform workers. Based on the Office's prior explanations, she understood that "remuneration" described amounts that were owed to workers for their personal labour, in other words, labour income. In the definition agreed on in point 3(b)(ii), "remuneration" covered wages for platform workers in an employment relationship, and it was agreed that "payment" would refer to the labour income of platform workers who were not in an employment relationship. Neither "remuneration" nor "payment" though covered expenses incurred while providing services. Further in the point 3(d) of the proposed Conclusions, it appeared that remuneration – and perhaps payment, were it to be added – did not include compensation for those expenses. Now that remuneration and payment had been differentiated, it was important to ensure that the total compensation package be included in the text of the instrument and asked the Office to share its insights.

624. The representative of the Secretary-General explained that the objective of the earlier discussion was to ensure that the definitions accurately reflected the noun used to describe labour income, distinguishing between the wage received by an employee and the corresponding income received by a self-employed. Within ILO terminology, the word "payment" described the act of paying someone, be it a benefit, a wage, or a compensation, not the income itself. Hence, the term "payment" required a qualifier to convey the appropriate meaning. The aim was to capture the labour income earned by both wage earners and self-employed workers, while clarifying that, for the self-employed, this only referred to the labour component, and not to costs incurred to perform the work. The text would then need to capture the labour income of platform workers, regardless of their status in employment.

625. Considering the explanation of the representative of the Secretary-General, the Worker Vice-Chairperson introduced a further subamendment to delete ", for the employed, " and ", for self-employed workers, ".

626. The Government members of India, and Mexico, speaking also on behalf of Brazil and Chile, supported the amendment as subamended by the Employers' group and the Workers' group.

627. The Government members of Argentina, Australia, Barbados, Canada, Namibia, speaking on behalf of the Africa group, Pakistan, and the United Kingdom supported the amendment as subamended by the Employers' group and by the Workers' group.

628. The Employer Vice-Chairperson supported the amendment as subamended under the agreed consensus in the Committee that “remuneration” referred to income for employees and “payment” referred to income for those who are not in an employment relationship.

629. The amendment was adopted as subamended.

630. The Government member of India withdrew an amendment (A.137) to replace the word “remuneration” with the term “payment/payout”, as it had become irrelevant.

631. The Government member of Switzerland, speaking on behalf of the Government member of Norway and Türkiye, withdrew an amendment (A.159) to delete “, regardless of their status in employment, “. While the issue remained a matter of concern it had been discussed at length.

632. The Government member of Poland, speaking on behalf of the EU Member States, withdrew an amendment (A.21) to replace the words “regardless of their status in employment” with the words “in an employment relationship”, in line with previous agreements.

A.138

633. The Government member of India introduced an amendment to replace the words “regardless of their status in employment,” with the phrase “as per their status under national laws and regulations,”, which was seconded by the Employers’ group.

634. The amendment was withdrawn in light of the text already agreed.

A.84

635. The Employer Vice-Chairperson introduced amendment to replace “regardless of” with “according to” before the words “their status in employment”, so that it would be clear that platform workers would receive either remuneration or payment depending on their status in employment. The term “remuneration” applied to employees, whereas the term “payment” typically applied to workers who were not in an employment relationship.

636. The Worker Vice-Chairperson supported the amendment, noting that the formulation was acceptable and consistent with earlier changes.

637. The amendment was adopted.

A.85

638. The Employer Vice-Chairperson introduced an amendment to replace, after the newly adopted words “according to their”, the words “status in employment” with the word “classification”. She introduced a subamendment to add the words “of status in employment” after the word “classification”, such that the text read “according to their classification of status in employment”. The intention was to ensure consistency with terminology previously adopted in the definition of platform workers.

639. The Worker Vice-Chairperson supported the amendment as subamended.

640. The Government member of India supported the amendment as subamended, citing the importance of linguistic consistency.

641. The amendment was adopted as subamended.

A.86

642. The Employer Vice-Chairperson introduced an amendment to insert the words "or task" between the words "the work" and "performed", such as to read "the work or task performed". Payments were often made on a task or project basis.

643. The Worker Vice-Chairperson did not support the amendment. The scope should remain broad. It was important to ensure coherence with the agreed definition of digital labour platforms and platform workers, and avoid fragmenting the concept of work.

644. The Government members of Australia, Chile, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

645. The amendment was withdrawn.

646. An amendment (A.139) submitted by the Government member of India to delete from point 3(d) the phrase "remuneration does not include any compensation for expenses or other costs incurred by digital platform workers in carrying out their work" was not seconded, and therefore not considered.

647. The Worker Vice-Chairperson raised an issue of consistency concerning references to remuneration and payment. Concretely, the final sentence of the clause, which read: "Remuneration does not include any compensation for expenses or other costs incurred by digital platform workers", did not reflect the wording agreed to in the rest of point 3, as amended by the Committee. To be coherent, the text should read "Remuneration or payment does not include…". It was important to address expenses and costs borne by workers because for the workers covered by the term "payment", that was a significant issue. She suggested that the incoherence could be addressed by the Office or through drafting at a later stage, but flagged the need for the text to consistently refer to both remuneration and payment. It would be necessary to come back at the later stage about other relevant costs.

648. The Employer Vice-Chairperson raised a point of order. All the amendments that had been submitted to point 3(d) had been discussed and decided.

649. The representative of the Secretary-General stated that the Employer Vice-Chairperson was correct, however, that the Office would provide explanations concerning this issue when preparing the Brown Report.

650. The Employer Vice-Chairperson raised a point of order that the Office should not alter the agreed text in neither the Brown nor Blue report.

651. The representative of the Secretary-General noted that, as the Committee had not asked for an explanation as to possible inconsistencies generated by the amendments adopted, the explanations would have to be provided in the Brown Report. The inconsistency related to the intention of the point, which was to define the labour income received by platform workers, regardless of their classification of status in employment, and that that labour income did not include compensation for expenses or other costs incurred by digital platform workers in carrying out their work. At the time of drafting the proposed Conclusions, the word "remuneration" had been used to refer to all forms of labour income. Through the amendment process, the Committee had introduced language into point 3(b)(ii), separating the concept of remuneration, in its broad definition, into two separate concepts: 1) the remuneration paid to platform workers in an employment relationship, and 2) payments to platform workers inclusive of platform workers who are not in an employment relationship. By not including the word "or payment" after the word "remuneration" in the last sentence of point 3(d), the sentence no longer fulfilled its original purpose to specify that costs and expenses incurred by digital platform workers in carrying out their work would not be considered as part of their labour income.

652. The Worker Vice-Chairperson reiterated that the intention was to reflect the discrepancy between the negotiated text and the Committee's earlier agreements on using the term "remuneration and payment". The Workers' group had made a compromise in accepting "remuneration and payment", after extensive discussion and debate, and had consistently drawn attention to the issues it may cause, including the omission of the compensation for expenses and costs incurred by digital platform workers in carrying out their work. There was a need for consistency and accuracy in the final text, particularly ensuring that it properly address compensation for expenses and costs for all platform workers, but especially for self-employed who incurred significant costs to work.

653. The Employer Vice-Chairperson regretted that the Workers' group had not subamended the text when they had the opportunity. She reiterated that the Employers' group did not wish to see any changes to the provision in the Brown Report. The final version of point 3(d) reflected the result of the deliberations and decisions of the Committee, and referred to remuneration as defined in Convention No. 100.

654. The Government member of Mexico remarked that the amended text of point 3(d) would be very difficult to implement as phrased, due to the inconsistency between the first sentence of the clause, which pertained to "remuneration and payment" and the second sentence, which pertained only to "remuneration". He requested the Office to advise on how to proceed to correct the error.

655. The Government member of Poland, speaking on behalf of the EU and its Member States, noted that the terms remuneration and payment had been accepted as a compromise, not as part of an original amendment, which unavoidably meant that there were no follow-through amendments that would allow the Committee to ensure harmonization. He requested the Office to clarify how to ensure consistency.

656. The Government member of Australia noted that the definition of digital labour platform, including the reference to "remuneration and payment", was a hard-won consensus. He cautioned against undermining that achievement by not allowing the Office to refine technical drafting to reflect the Committee's intentions.

657. The Government member of India recalled that the discussion leading to the compromise on the usage of the terms payment and remuneration and requested clarification from the Office on the implications of the terms.

658. The representative of the Secretary-General reiterated that the term "remuneration" as used in point 3(d) was indeed being used as defined in Convention No. 100, and did not include reimbursement for incurred costs, so the sentence itself was correct; however, the omission of payment caused ambiguities.

659. The Worker Vice-Chairperson noted that although the amendments to point 3 had all been decided on, the discussion on point 3(d) had not officially closed, and there was a need for a substantive amendment applying to all references to "remuneration or payment" in the clause, to express the will of the Committee on the issue. In the absence of that possibility, the Committee's views should be reflected in the Brown Report.

660. The Employer Vice-Chairperson recalled that (A.139) had been open for subamendment, but that none were made before it was withdrawn. The discussion of point 3(d) was closed and no changes should be made to the Brown Report.

661. The Government member of Chile noted for the record that the Standing Orders called for the most drastic amendments to be dealt with first. It therefore made sense that the Committee had started with the discussion of an amendment that proposed to delete the entire sentence. Since that amendment was withdrawn, there should be room to introduce smaller amendments with a view to achieving a coherent, implementable Convention.

662. A representative of the Office recalled that all the amendments under point 3(d) had been gavelled. All comments and remarks made during the discussion would be reflected in the record of the Committee's deliberations.

663. The Worker Vice-Chairperson thanked the Office for its work and professional advice and welcomed the confirmation that all constituents' views of how the final wording had been achieved would be reflected in the record of proceedings and in the Brown Report.

664. The Employer Vice-Chairperson thanked the Office for adhering to the Standing Orders and welcomed the confirmation that earlier comments would be reflected in the record of proceedings. She reiterated that her group did not wish to see any changes to the relevant paragraph in the Brown Report.

665. The Government member of Mexico requested that the record reflect the extensive discussion the Committee had had on the terms "remuneration" and "payment", and the consensus that the two had the same meaning. The Office should ensure that that consensus and the views shared appeared in the Brown Report.

666. The Government member of Poland asked the Office to confirm whether his understanding of the definition of "remuneration" or "payment" was correct. He understood the term remuneration or payment as meaning as a kind of labour wage provided "in exchange for the work performed", and as such that it would not include any compensation costs beyond the value of the work performed by the worker. It would then follow that the second sentence of the clause would be redundant and, if applied incoherently to remuneration and payment, logically inconsistent.

667. The representative of the Secretary-General confirmed that "remuneration" or "payment" referred to compensation for work performed, whether paid to employees or to self-employed workers, respectively, for the work performed. Point 3 referred to compensation for work performed, regardless of or according to classification of status in employment, therefore referred only to the labour income, and not to reimbursement of costs incurred. It was for the Committee to decide whether the second part of the sentence was redundant.

668. Point 3(d) was adopted as amended.

Point 3 – New clause after clause (d)

A.87

669. The Employer Vice-Chairperson introduced an amendment to add a new clause after clause (d) that read: "The term "requestor" means the individual or legal entity that seeks the services of a digital platform worker via the digital labour platform." The requestor played a key role in deciding the parameters of the tasks performed by platform workers and appeared in the definition of 'digital labour platform' adopted in point 3(a). Including a definition of "requestor" would make the instrument more precise and allow for clarity when further references to a requestor were made in the instrument.

670. The Worker Vice-Chairperson did not support the amendment as it created more confusion than clarity.

671. The Government members of Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States, questioned why a definition of requestor would be necessary, as the term did not appear in the rest of the proposed Conclusions.

672. The Employer Vice-Chairperson noted that the platform economy involved economic relationships beyond two parties, and it was important to define all parties involved. While various terms could be used, such as client or customer, "requestor" was the most accurate and versatile word. The Employers' group had submitted other amendments that included the term to further points of the proposed Conclusions, so it would be important for consistency to define the term and not use other terms like clients, customer and requester indiscriminately.

673. The Government member of Brazil did not support the amendment, as it minimized the organizing role of the digital labour platform.

674. The Worker Vice-Chairperson recalled that the issue had already been debated during the discussion on point 3(a) and that there had been no support for it.

675. The Government member of Switzerland supported the amendment. A definition of ″requestor″ would clarify its meaning in the definition of ″digital labour platform″ in point 3(a) and elsewhere in the instruments.

676. The Government member of Australia noted that the reference to the requestor of the service in the definition of digital labour platform only served to describe what a digital platform was. The "requestor" did not carry any rights or obligations under the Convention though, so it was not necessarily useful to include it in the definitions. He requested information on what further amendments the Employers' group intended to submit referring to a "requestor" or "recipient of services" into the rights and obligations set out in the Convention.

677. The amendment was withdrawn.

678. Point 3 was adopted as amended.

Point 4

679. There was no amendment to point 4. Point 4 was adopted.

Point 5

680. The Worker Vice-Chairperson introduced a motion under article 15(3)(b) of the Standing Orders to postpone the discussion of points 5 and 6 until after point 42 of the proposed Conclusions. Point 5 addressed a potential "accelerated and simplified amendment procedure," which was an important topic, but the Committee had not yet discussed the substantive provisions. Point 6 contained provisions of the Preamble. The intention was to ensure enough time to address substantive issues, allowing the Office to capture the full range of views for the 2026 discussion.

681. The Employer Vice-Chairperson did not support the motion. The Committee had adopted working methods by consensus, including a sequential approach.

682. The Government members of Argentina, China, India, Switzerland, speaking on behalf of the Government members of Japan and Türkiye, and the United States did not support the motion, preferring to address the text sequentially as points 5 and 6 represented substantive provisions.

683. The Government members of Australia, Mexico, speaking also on behalf of the Government members of Brazil, Chile and Uruguay, and Poland, speaking on behalf of the EU and its Member States, supported the motion to move to the substantive provisions of the Convention.

684. The Government members of Barbados, Namibia, speaking on behalf of the Africa group, and the United Kingdom supported the motion but preferred to return to point 5 before completing discussions through point 42.

685. The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government member of the United States, agreed to the motion to defer discussion of points 5 and 6 at least until after point 7 had been discussed.

686. Point 6 was bracketed.

687. The Government member of Poland, speaking on behalf of the EU and its Member States, proposed deferring the discussion on point 5 to a subsequent sitting to allow for further informal exchanges. The Worker Vice-Chairperson and the Employer Vice-Chairperson agreed.

688. Point 5 was deferred.

A.89

689. Following the conclusion of discussions on point 7, the Employer Vice-Chairperson noted that the Employers' and Workers' groups had discussed and come to agreement on the way forward with respect to point 5 of the proposed Conclusions. She then introduced an amendment to delete point 5 about the simplified amendment procedure. She stated that, though the mechanism sounded technical, it would require rewriting the instrument or certain provisions every few years, which was unnecessary in a principle-based Convention. Such a mechanism had only been used twice in ILO's history, notably in the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the Work in Fishing Convention, 2007 (No. 188), which were adopted under very specific contexts. The mechanism had moreover raised concerns, as it bypassed normal ILO procedures for amending, supplementing or abrogating existing standards. Applying the mechanism to the platform economy would require amending labour laws regularly and would be a barrier to ratification.

690. The Worker Vice-Chairperson stated she did not support the amendment in principle, as there was value in enabling rapid mechanisms to update the instrument in response to technological, or regulatory changes, without requiring a full revision of the Convention. However, she recognized that there remained limited time to discuss other points of the proposed Conclusion, among them points 27 to 32 which addressed algorithmic management and data management and their impact on workers, which were core issues. To ensure that those points could be discussed, the Workers' group had reached agreement with the Employers' group to delete point 5, provided that the Committee move to discuss points 27 to 32 and that the remaining points of the proposed Conclusions that had not been discussed, namely points 12 to 26 and points 33 to 78, be bracketed.

691. The Employer Vice-Chairperson further specified that the agreement with the Workers' group was to adjourn the meeting for one hour to reach compromise language with the intention of reaching consensus. Whether or not consensus was reached, discussions on points 27 to 32 could proceed.

692. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment. It would be premature and inappropriate to delete point 5 without first understanding its potential content and implications, and Government should have the opportunity to engage. He proposed to bracket it instead.

693. The Government members of Chile and Mexico did not support the amendment and preferred to bracket point 5 instead, pending further clarifications. It appeared governments were being asked to support the deletion of point 5 based on an agreement to which they were not party, and the conditions under which points 27 through 32 would be discussed were not clear. A simplified amendment procedure was an important flexibility mechanism to accommodate changes in the platform economy.

694. The Government member of the United States supported the amendment. Including a simplified amendment procedure would imply a lack of confidence on the Convention's durability. Moreover, it was not clear whether the point would apply to the Convention as a whole or only to certain provisions, or how amendments would be discussed and decided upon.

695. The Government member of Australia noted that Government members should have had the opportunity to engage meaningfully before the social partners agreed on the deletion of point 5, noting the tripartite nature of the ILO. He highlighted that a number of countries had expressed an interest in the matter of a simplified amendment procedure. He indicated that he would not oppose deletion if there was a broader consensus but believed that the simplified amendment procedure had relevance for this Convention.

696. The Government members of Argentina, Brazil, Republic of Korea, Malaysia, Oman and Switzerland, speaking on behalf of Japan and Türkiye, supported the amendment and the joint proposal made by the Workers' and the Employers' groups.

697. The Government member of Barbados, speaking on behalf of the CARICOM countries, supported the amendment. While his initial position had been in favour of a simplified amendment procedure because of the fast-evolving nature of the platform economy, the rationale for such a procedure had weakened in light of the consensus around a principle-based approach. Principles, by nature, should remain stable and reduce the need for frequent amendments. It was important to turn to other pressing issues, such as automated systems, which were of particular importance for the Government of Barbados and CARICOM countries.

698. The Government member of Peru supported the amendment and the joint proposal by the Workers' group and Employers' group. A simplified amendment procedure represented a departure from the norm.

699. The Government member of China supported the amendment and the joint proposal by the Workers' group and Employers' group. Although successful for the MLC, 2006, the simplified procedure of that Convention applied only to the Convention's Code, and not to its substantive provisions. The two situations were therefore not comparable. Moreover, sending delegates to negotiate such amendments would not be practical or cost-effective.

700. The Government members of India, Israel and Pakistan supported the amendment (A.89) and the joint proposal by the Workers' group and Employers' group. A simplified amendment procedure would put undue pressure on Member States to adopt or reform national laws accordingly.

701. The Government member of Canada affirmed it was difficult to take an informed decision on the deletion of point 5, given that a substantive part of the Convention had yet not been discussed and governments had not had the chance to engage in a full discussion on point 5.

702. The Government member of Namibia, speaking on behalf of the Africa group, noted that governments had not been given the opportunity to discuss point 5. It was best to bracket point 5 until the remaining sections of the instrument had been discussed.

703. The Government member of Malawi noted that there was no consensus on the deletion of point 5, with many governments preferring to bracket point 5, especially given the ongoing discussions between the social partners.

704. The Government member of Colombia suggested that social partners finalize their discussion and present a clear agreement to the Committee before any decision on the amendment to point 5 was taken.

705. The Government member of Namibia, speaking on behalf of the Africa group, sought clarification regarding the proposal under discussion. She understood that point 5 would be deleted and that the Workers' and Employers' groups would pursue negotiations to bring proposals to the Committee thereafter. She asked which points those proposals would concern and whether they would replace point 5.

706. The Government member of Argentina stated that the deletion of point 5 was based on agreement between the Workers' and Employers' groups and supported taking a break to move forward.

707. The Government members of the Niger, Nigeria and Zimbabwe reiterated that point 5 should not be deleted but bracketed. Governments must have the opportunity to consider the point in Committee, and their voices must be heard out of respect for tripartism.

708. The Government member of Barbados inquired whether the social partners would still be willing to move to points 27 to 32 and to bracket the remaining points of the proposed Conclusions if point 5 were to be bracketed rather than deleted.

709. The Employer Vice-Chairperson explained that the joint proposal was to delete point 5, not to bracket it, and to move to points 27 to 32 while bracketing the remaining points of the proposed Conclusions. It had been a difficult agreement to reach. Going forward, it was important to focus solely on the substantive content of the instrument.

710. The Worker Vice-Chairperson confirmed the various components of the agreed package as described by the Employer Vice-Chairperson. The Employers' group and the Workers' group would discuss the issues raised in points 27 to 32 with the aim of reaching agreements to present to Governments. Whether or not such agreements could be reached between the Employers' and Workers' groups, points 27 to 32 would be opened for discussion with Governments.

711. The Government member of Nigeria noted that if point 5 were deleted, it would be difficult to reintroduce it the following year, and required thorough discussion. Throughout the Committee's deliberations, Government members had been committed to carrying out their mandate and had actively engaged in consultations. They wished to continue to carry out their mandates, for which they needed some time to consult.

712. The Government member of Malawi noted that the Government members should have the opportunity to comment on point 5 and on the agreements negotiated outside the formal discussions of the Committee. Government members had come to the Committee with a mandate to discuss specific articles summarized by the Office concerning the standard's design, and point 5 was of particular import.

713. The Government member of Namibia, speaking on behalf of the Africa group, regretted that the Government group was being asked to either accept or reject an agreement without clarity on its specifics. Decisions taken by the Committee should be tripartite, and not bipartite. Government members should not be asked to endorse agreements without meaningful participation. Point 5 should be bracketed along with the points 12 to 26 and points 33 to 78, allowing the Committee to proceed with discussions from point 27, as had been proposed.

714. The Worker Vice-Chairperson clarified that the intention had not been to pre-empt the Committee's deliberations. The outcome of bilateral discussions around points 27 to 32 would subsequently be brought back to the Government members for their consideration.

715. The Government member of Namibia, speaking on behalf of the Africa group, reiterated that, following consultations in the Africa group, there was a feeling that the process had sidelined the Government members. In the interest of preserving social dialogue, however, they agreed reluctantly to the amendment on the condition that any future discussions between the social partners would not result in a pre-agreed outcome being presented to Governments as a fait accompli. Her support for the amendment was also contingent on the full and open discussion of points 27 to 32.

716. The Government member of the Niger aligned himself with the statement made by the Government member of Namibia on behalf of the Africa group. He recalled that the social partners had been given time to consult but had failed to reach consensus, without clarifying the point of disagreement.

717. The Government member of Malawi aligned herself with the position expressed by the Government member of Namibia, speaking on behalf of the Africa group, and of the Niger on the decision to support the amendment which had been difficult but was taken to enable the Committee to move forward. Any outcome of discussions between the social partners must be open to debate within the Committee and allow for Government input.

718. The Government member of Mexico, speaking on behalf of the Government members of Chile, Brazil, Colombia, Mexico, and Uruguay supported the amendment to delete point 5, as well as the agreement to bracket points 12 to 26 and 33 to 78.

719. The amendment and two other identical amendments (A.46, A.158) were adopted.

720. Point 5 was deleted.

Part B title

721. Identical amendments submitted by the Employers' group (A.94) and the Governments of Malaysia (A.129), China (A.4), and the United States (A.47) to replace the word "Convention" with the word "Recommendation" after the words "Proposed Conclusions with a view to a", fell, in light of the decisions made on points 1 and 2 concerning the form of the instrument.

722. The title of Part B was adopted.

Point 6

723. Point 6 was bracketed.

Title of Section 1

724. The title of the Section 1, "Scope", was adopted.

Point 7

725. Identical amendments submitted by the Government members of India (A.40), China (A.9) and Malaysia (A.132), to replace the word “Convention” with the word “Recommendation” before the words “should apply to”, fell, in light of the decisions made on points 1 and 2 concerning the form of the instrument.

726. An amendment (A.117) submitted by the Employers’ group to replace “Convention” with “instrument” before the words “should apply to”, fell in light of agreements on point 1 and 2.

Clause (a)

727. Clause (a) was adopted.

New clause (b)

A.61 and A.142

728. Identical amendments were introduced by the Workers’ group (A.61), and by the Government of the Philippines (A.142) to insert a new clause that would read “all intermediaries;” so that point 7 would read: “The Convention should apply to: (a) all digital labour platforms; (b) all intermediaries; (c) all digital platform workers”.

729. The Worker Vice-Chairperson recalled the Committee’s agreement that the instruments should cover intermediaries. Since points 39 and 40 of the proposed Conclusions elaborated on the responsibilities between digital labour platform and intermediaries, it was important to include them explicitly in the scope of the instrument. Without such mention, certain actors could circumvent obligations. Platforms had used intermediaries to obscure liability and delay or deny workers’ access to benefits.

730. The Government member of the Philippines withdrew the amendment (A.142). Following earlier discussions on intermediaries in the context of point 3, he understood that intermediaries were already be covered by existing international labour standards.

731. The Employer Vice-Chairperson noted that several countries already had regulations on intermediaries or subcontractors. Moreover, the normative gap analysis preceding the Governing Body’s decision to initiate a standard-setting discussion on the platform economy did not identify gaps concerning intermediaries. She asked the Office for clarification on why it did not include intermediaries in point 7 of the proposed Conclusions.

732. The representative of the Secretary-General stated that intermediaries were included in the definitions because in some jurisdictions they were permitted and played a significant role. However, since they were not allowed in all jurisdictions, the Office did not include a reference to intermediaries in the scope of the instrument. Point 40 of the proposed Conclusions then assigned certain responsibilities to intermediaries in jurisdictions where they were permitted.

733. The Employer Vice-Chairperson did not support the amendment (A.61). If the Committee felt the term “requestor” should not be included in the scope, neither should the term “intermediary”. The Convention should remain principle-based, and not exceed its intended scope. Including intermediaries may also have implications on civil or criminal codes.

734. The Government member of Chile supported the amendment (A.61). Intermediaries fell within the scope of labour laws, were subject to labour inspections. They were actors in the platform economy, and often used to circumvent responsibilities, so they should have clear obligations.

735. The Government member of Mexico appreciated the Workers' group objective and recognized the challenges faced by workers when intermediaries were involved, especially in digital platforms. However, the involvement of intermediaries in the employment relationship complicated the attribution of liability. As phrased, the proposed amendment (A.61) did not adequately reflect that complexity, but he was willing to consider alternative wordings.

736. The Worker Vice-Chairperson withdrew the amendment (A.61), with the understanding that intermediaries played an important role in the platform economy, and that their inclusion in points 3, 39 and 40 of the proposed Conclusions meant that they were included in the scope even without specific mention.

A.26

737. The Government member of Poland, speaking on behalf of the EU and its Member States, introduced an amendment (A.26) to point 7(b) to insert the words "persons performing" between the words "all" and "digital platform workers", to delete the letters "ers" in the word "workers", and to add the words "unless otherwise specified" at the end of the clause. He also introduced a subamendment to delete "persons performing" and retain the wording "unless otherwise specified" for flexibility, such that the text read: "all digital platform workers, unless otherwise specified, whether they are in the formal or informal economy".

738. The Government members of Switzerland, speaking also on behalf of Japan, Türkiye and Norway, and of the United States supported the amendment and subamendment introduced by the Government member of Poland on behalf of the EU Member States. It addressed their similar concerns in a clearer and structured manner.

739. The Worker Vice-Chairperson did not support the amendment and subamendment introduced by the Government member of Poland on behalf of the EU Member States. The scope should remain broad, and flexibility clauses could be introduced elsewhere in the text.

740. The Government members Barbados, Canada, India, and Oman, speaking on behalf of GCC countries, supported the amendment and subamendment introduced by the Government member of Poland on behalf of the EU Member States, as it allowed for flexibility in implementing the Convention.

741. The Government member of Mexico did not support the amendment or the subamendment introduced by the Government member of Poland on behalf of the EU Member States. Such language weakened the legal protection for persons working on digital platforms.

742. The Government members of Malawi, Namibia, South Africa sought clarification on the purpose and implications of "unless otherwise specified", and how it might add flexibility.

743. The Government member of Poland, speaking on behalf of the EU and its Member States, said that the overall purpose was to provide adequate protection to digital platform workers under national law. The words "unless otherwise specified" related to the instrument negotiated and did not refer to specific national laws.

744. The Government member of Mexico proposed a subamendment to add the words "in this Convention" after the words "unless otherwise specified", such that the text read: "all digital platform workers, unless otherwise specified in this Convention, whether they are in the formal or informal economy."

745. The Government member of Poland, speaking on behalf of the EU and its Member States, seconded the subamendment proposed by Government member of Mexico.

746. The Government member of Pakistan supported the subamendment proposed by Government member of Mexico.

747. The Employer Vice-Chairperson supported the subamendment proposed by the Government member of Mexico. Although the additional clarification “in this Convention” was not deemed necessary, she agreed to retain it if it helped provide legal clarity. She also supported the subamendment introduced by the Government member of Poland, speaking on behalf of the EU Member States.

748. The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Mexico. A certain degree of flexibility in application might be necessary but point 7 was not the appropriate place to introduce it. All workers and digital labour platforms must be covered, in line with the principle of having a broad scope. Flexibility could be introduced in points 9, 10 or 11 for example.

749. The Government member of Switzerland supported the subamendment and noted that while the Committee had agreed to keep the scope of the definition broad, it had not agreed that every provision in the proposed Conclusions should apply universally.

750. The Government member of the United Kingdom supported the subamendment proposed by the Government member of Mexico. Diverse national contexts required flexibility.

751. The Government member of Australia recalled that the Committee had clearly expressed its intention to cover all platform workers, rejecting any distinction between employees and the self-employed. As subamended, point 7 could provide a basis for excluding certain workers from specific protections, whereas point 8 considered whether, at the national level, particular circumstances justified exclusions from the obligations of the Convention. He requested clarification from the Office regarding the interaction between points 7 and 8.

752. The representative of the Secretary-General confirmed that if the subamendment proposed by the Government member of Mexico were adopted, some provisions of the Convention could later be drafted so as to apply only to certain categories of platform workers. All workers were entitled to equal protection unless otherwise specified. Point 8, in contrast, referred to decisions by ratifying Member States to exclude certain categories of digital platform workers from the Convention’s application at the national level. Such exclusions must be based on substantial problems and significant reasons, and would be subject to monitoring. It would be difficult to justify the exclusion of a major category of workers, such as the self-employed.

753. The Government member of Mexico, speaking also on behalf of the Government members of Brazil, Chile, and Uruguay, noted the Committee’s commitment to an instrument that provided effective protection for people who worked on digital platforms. To do so, the scope should be broad enough to include those who required protection, but also precise enough to avoid interpretations that would hinder its implementation. While there was a legitimate debate about the level of protection that should apply depending on the type of relationship workers have with platforms, it was clear that there was agreement on the type of platforms that should be regulated, namely, those that organized, assigned or managed work, and not to those that simply published advertisements. As such, he proposed a subamendment to insert, at the end of clause (a), the words “excluding those digital platforms that merely publish advertisements for the provision of services by natural or legal persons.” The purpose was not to restrict the scope of the instrument but rather to focus it on those platforms that effectively organize or manage work. The subamendment, however, was not receivable as it pertained to clause (a) and not to clause (b).

754. The Government member of Namibia, speaking on behalf of the Africa group, did not support the subamendment submitted by the Government member of Mexico. The original text of point 7(b), which used the term "workers" in a plural and inclusive sense, already adequately covered the intended scope.

755. The Government member of Poland, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Government member of Mexico. While point 8 enabled sectoral exclusions, the further subamendment to clause 7(b) addressed exclusions based on employment status and reflected a more limited and targeted approach.

756. The Government member of the United States supported the subamendment introduced by the Government member of Mexico. It introduced consistent and structured flexibility, in contrast to the potentially inconsistent and uneven application allowed under point 8. Based on national experience, powerful companies could influence governments to secure special treatment, leading to unfair competition and inequitable outcomes for workers.

757. The Government member of Barbados did not support the subamendment proposed by the Government member of Mexico noting his preference for the original text of the proposed Conclusions. The flexibility reflected in point 8 was robust, transparent and grounded in social dialogue.

758. The Government member of Chile did not support the subamendment and noted that such flexibility could be established elsewhere in the Convention, not necessarily in point 7.

759. The Government member of Australia requested guidance from the Office on what qualified as "special problems of a substantial nature" under point 8.

760. The representative of the Secretary-General responded that this was a matter for the Committee's deliberation, and for Member States to determine in the national context, based on consultations, and not for the Office to determine.

761. The Employer Vice-Chairperson requested clarification on the Office's comments on the exclusion of the self-employed.

762. The representative of the Secretary-General referred to the EU directive on platform work, noting that in some countries its provisions did not apply to the self-employed. Excluding such a significant category of workers would likely not meet the Convention's intended thresholds of "limited categories" and of "problems of substantial nature."

763. The Worker Vice-Chairperson proposed bracketing the amendment and its subamendments due to the lack of consensus and moving to the discussion of point 8.

764. The Employer Vice-Chairperson did not support bracketing it noting the proximity to consensus in the room.

765. The Government member of Poland, speaking on behalf of the EU and its Member States proposed a compromise to bracket the subamendment and return to it after the discussion on point 8, given the close link between points 7 and 8. This was supported by the Government member of Australia and the Employer Vice-Chairperson.

766. The amendment and its subamendment, as well as two other amendments (A.102 and A.152) were bracketed and discussion was deferred until after point 8.

767. The Worker Vice-Chairperson raised a motion to close the discussion on point 7 and move to point 12.

768. The Employer Vice-Chairperson objected to the motion to close the discussion and instead proposed adjourning the meeting to allow additional time for further negotiation that might lead to an agreement.

769. The Worker Vice-Chairperson objected to the proposal to adjourn the meeting as the discussion needed to proceed and extensive consultations had already taken place.

770. The Government member of the United States supported resuming discussions on point 7, noting that there had previously been consensus to revert to the original text.

771. The Government member of Mexico, speaking on behalf of Brazil, Chile and Uruguay, stated that digital platform work represented a major challenge in terms of labour organization and worker protection. He stressed the importance of a balanced approach and regretted the current impasse. Consensus on point 7 was achievable and would help define the scope of workers and services covered.

772. The Government members of Barbados, India, Japan, Malaysia, Namibia on behalf of the Africa group, Oman on behalf of the GCC countries, Switzerland, the United Kingdom, and the United States, supported the subamendment proposed by the Government member of Mexico to and the words "in this Convention" after the words "unless otherwise specified".

773. The Employer Vice-Chairperson supported the subamendment introduced by the Government member of Mexico.

774. The Worker Vice-Chairperson supported the subamendment introduced by the Government member of Mexico, but stated that the Workers' group would press for narrow and limited exclusions in further discussions so that protection for certain workers was not removed.

775. The amendment was adopted as subamended.

776. An amendment submitted by the United States (A.102) to replace the word "Convention" with the word "instrument" in the chapeau, and to add the words "who are not self-employed consistent with national law and practice" after the words "all digital platform workers" in clause (b) fell.

777. An amendment (A.152) submitted by the Government member of Türkiye speaking also on behalf of the Government members of Switzerland, Japan and Norway, to add the words "mentioned in Point 3(a)" to the end of point 7(a) and to add the words "mentioned in Point 3(b)" to the end of point 7(b), was withdrawn.

778. Point 7 was adopted as amended.

Point 8

A.27, A.113 and A.63

779. Identical amendments were introduced by the Worker Vice-Chairperson (A.63), the Government member of Poland, on behalf of the EU Member States (A.27), and the Government of the United States (A.113) to delete point 8.

780. The Worker Vice-Chairperson withdrew the amendment (A.63).

781. The Government member of Poland, speaking on behalf of the EU and its Member States justified his amendment (A.27) noting it was important for countries to be able to specify when certain provisions should apply only to workers in an employment relationship rather than to whole categories or sectors.

782. The Government member of the United States justified his amendment (A.113) emphasizing that a legally binding Convention should apply consistently across sectors and Member States. Point 8 introduced an exclusion mechanism at national level that could lead to inconsistent application, regulatory capture and fragmented implementation. A more targeted form of flexibility, as proposed in the subamendment to clause 7(b) by the Government member of Poland on behalf of the EU Member States, was more appropriate.

783. The Worker Vice-Chairperson did not support the amendments. The original text of point 8 did not create broad exclusions, but, as in other Conventions, allowed only limited exclusions according to specific criteria. The approach was consistent with subsequent points addressing the Convention's progressive application.

784. The Employer Vice-Chairperson supported the amendments. Deleting the clause would better promote fairness and fair competition.

785. The Government member of Mexico did not support the amendments. Though certain exclusions based on objective and reasonable criteria that were applied to specific categories of workers or digital platforms were acceptable, deleting point 8 entirely could render the Convention inapplicable.

786. The Government member of Argentina supported the amendments.

787. The Government member of Australia did not support the amendments. Point 8 provided flexibility within the context of a robust and broad-based Convention. Similar provisions existed in other Conventions and the Office had clarified the conditions under which exclusions could be made for substantial problems and on an exceptional basis. When read with points 9, 10 and 11, point 8 was part of a broader framework of accountability that allowed for progressive extension of the Convention's application, and required regular monitoring reporting.

788. The Government members of India and Türkiye did not support the amendments. The platform economy was evolving in a dynamic manner, and flexibility was essential to enable the implementation of the Convention.

789. The Government members of Barbados, Israel and Namibia, speaking on behalf of the Africa group, did not support the amendments.

790. The Government member of Switzerland did not support the amendments. Point 8 was a standard clause and was needed to ensure the instrument's ratification and implementation. The language reflected that used in previous Conventions, including Convention No. 189, which had contributed to a high number of ratifications, including by Switzerland.

791. The Government member of Malawi did not support the amendments. Exclusion clauses offered Member States necessary flexibility and were consistent with precedents in earlier Conventions.

792. The Government member of the United States maintained that the draft text covered a broad range of workers, including genuine self-employed workers. Without the right kind of flexibility, the Convention risked interfering with genuine commercial relationships and overregulating truly independent workers.

793. The amendments were withdrawn.

A.169

794. The Government member of Switzerland, speaking on behalf of the Government members of Japan and Türkiye introduced an amendment to delete from the beginning of the sentence of point 8 the words “Where special problems of a substantial nature arise”. He noted that the Government of Norway had abstained as a co-sponsor of the amendment as a consequence of decisions taken earlier in the discussion. Certain provisions could not legally be applied to the self-employed in certain countries. Moreover, the phrase could be interpreted differently across countries. The deletion would offer Member States greater flexibility to adapt the Convention to national contexts, given the diversity and varying maturity of digital labour platforms. Consultation with social partners would limit the excessive use of the provision.

795. The Worker Vice-Chairperson did not support the amendment. Exclusions should only apply in cases of special problems of a substantial nature. Removing that condition could undermine the purpose of the Convention, which was to improve working conditions of platform workers.

796. The Government member of Namibia, speaking on behalf of the Africa group, supported the amendment. Member States should be free to determine, through consultation, the conditions under which specific categories of workers could be excluded, within certain constraints. The exclusion clause in Article 4 of the Minimum Age Convention, 1973 (No. 138), provided a relevant precedent.

797. The Government member of Australia did not support the amendment as it deviated from standard language for such clauses. The provision should be used cautiously and only in exceptional circumstances. Moreover, the phrase “special problems of a substantial nature” was an objective legal standard that served as an accountability mechanism within the exclusion provisions outlined in points 9 to 11.

798. The Government member of Pakistan did not support the amendment. The core purpose of this standard-setting was to ensure that workers in the platform economy enjoyed the same protections as other workers. Granting Member States exclusion rights had to be treated with extreme caution and accompanied with clear conditionalities.

799. The Government members of India, Israel, and Malawi, and supported the amendment. The reference to consultation with social partners ensured no unilateral or arbitrary decision would be made by Governments.

800. The Government member of Japan stated that decisions around the application of the Convention should be made in consultation with social partners to make the Convention adoptable.

801. The Government member of Türkiye requested clarification from the Office regarding the terms “special” and “substantial nature” and their scope.

802. The representative of the Secretary-General explained that the phrase “special problems of a special nature” referred to significant legal or practical barriers. For example, many existing ILO Conventions on wages, maternity protection, and working hours included exclusion clauses that had been used to deny domestic workers legal protection, often on the grounds that they were not considered “workers”. Convention No. 189 aimed to close those protection gaps, but some countries still sought the right to exclude certain categories of domestic workers due to regulatory challenges. The words “special problems of a special nature” were therefore included in that Convention, but only after much debate, as it risked undermining the Convention’s objective.

803. The Government members of Chile and Mexico, Namibia, speaking on behalf of the Africa group, did not support the amendment. It provided indiscriminate scope for states to exclude certain provisions.

804. The Employer Vice-Chairperson did not support the amendment.

805. The Worker Vice-Chairperson did not support the amendment. The phrase “special problems of a substantial nature” was common language.

806. The amendment was withdrawn.

A.120

807. The Employer Vice-Chairperson introduced an amendment to delete the word “after” after the words “each Member may”, and the letters “ing” at the end of the word “consulting”; to add the words “on the most suitable application of this instrument’s provisions.” After the words “organizations of employers and workers” and to delete the remainder of the point thereafter. The amended text read “Where special problems of a substantial nature arise, each Member may consult with the most representative organizations of employers and workers on the most suitable application of this instrument’s provisions”. The aim was to provide flexibility at the national level while ensuring fairness and avoiding a hierarchy of rights.

808. The Worker Vice-Chairperson did not support the amendment. It was not appropriate to weaken the language on consultation with organizations of employers and workers. It was also important to retain the original text that read “organizations representing digital labour platforms and digital platform workers” to ensure broad consultation with social partners. Replacing clauses (a) and (b) with the words “most suitable application of this instrument’s provisions” rendered the provision unjustifiably flexible.

809. The Employer Vice-Chairperson introduced a subamendment to insert the words “as appropriate” between “each Member may” and “consult with the most representative organizations of employers and workers” to address the concerns raised by the Workers’ group regarding consultation.

810. The Worker Vice-Chairperson did not support the subamendment proposed by the Employer Vice-Chairperson.

811. The Government members of Australia, Barbados, Brazil, Chile, Mexico, Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States did not support the amendment (A.120) or subamendment.

812. The Employer Vice-Chairperson cautioned against creating a hierarchy of rights by excluding certain categories of digital labour platforms and platform workers. She therefore introduced a further subamendment to add, after the phrase “on the most suitable application of this instrument’s provisions” the words “pertaining to categories of digital labour platforms and categories of digital platform workers” so that the text would read “pertaining to the categories of digital labour platforms and categories of digital platform workers”.

813. The Worker Vice-Chairperson did not support the subamendment, as it did not represent a substantive change for the preceding subamendment.

814. The Government members of Malawi, Namibia, speaking on behalf of the Africa group, and the United Kingdom did not support the subamendment.

815. The subamendment and the amendment were withdrawn.

816. An amendment (A.118) submitted by the Employers' group to introduce the words "as appropriate" after the words "each Member may" in the introductory sentence of point 8, was withdrawn.

A.67

817. The Worker Vice-Chairperson introduced an amendment to introduce the words ", on condition that fundamental principles and rights at work and applicable international labour standards are effectively implemented in the platform economy" after the words "exclude from the application of all or part of the Convention". Platform workers faced serious challenges in accessing their fundamental rights. While such rights existed in law, they were often not enforceable in practice. The aim was to introduce a safeguard by requiring that fundamental principles and rights at work – as well as relevant international labour standards – be effectively implemented before allowing the exclusion of limited categories of platforms or workers from the scope.

818. The Government members of Brazil and Mexico supported the amendment, emphasizing the importance of applying fundamental principles and rights at work. They noted that several governments had raised concerns about the use of exclusion mechanisms and supported the idea that such mechanisms should be applied sensibly.

819. The Government member of India did not support the amendment. Fundamental principles were discussed elsewhere in the instrument.

820. The Employer Vice-Chairperson and the Government member of the United States did not support the amendment as forthcoming points were already dedicated to fundamental principles of rights at work.

821. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment as the proposed Conclusions already contained a point on fundamental principles and rights at work.

822. The Government member of Argentina supported the amendment. Fundamental rights were non-negotiable and a safeguard against future risks.

823. The Government member of Switzerland did not support the amendment. Fundamental principles and rights at work were already addressed under points 12 and 13. The reference to applicable international labour standards was also unclear because it referred to national or general applicability, potentially causing confusion.

824. The Government member of Nigeria did not support the amendment as its insertion at that point was confusing.

825. The amendment was withdrawn.

New clause after point 8(b)

826. The Worker Vice-Chairperson withdrew an amendment (A.71) to insert a new clause after point 8 that read "Exclusions under point 8(b) should not be permitted on the basis of employment status". She understood that a broad exclusion, affecting an entire category of workers due to their work arrangements, should not be permissible.

827. Point 8 was adopted.

Point 9

828. Identical amendments to delete point 9 submitted by the Employer Vice-Chairperson (A.121), the Worker Vice-Chairperson (A.77), and the Government members of Malaysia (A.133), Poland on behalf of the EU Member States (A.29) and the United States (A.116), were withdrawn.

A.150

829. The Government member of Switzerland, speaking also on behalf of the Government members of Japan, and Türkiye, introduced an amendment to replace the word “take” with “consider” and delete the terms “the categories of” and “concerned”. The text would read “In case of exclusions under point 8, and where practicable, the Member should consider measures to extend progressively the application of the Convention to digital labour platforms and digital platform workers.” The amendment reflected the complexity of national reforms concerning the extension of social protection to self-employed and platform workers. The original wording may discourage ratification in countries where such reforms are ongoing.

830. The Employer Vice-Chairperson supported the amendment.

831. The Government members of Oman, speaking on behalf of the GCC countries, and of the United States supported the amendment.

832. The Worker Vice-Chairperson did not support the amendment.

833. The Government member of Mexico did not support the amendment. The original text of point 9 offered sufficient flexibility and reflected an intention to progressively extend coverage.

834. The Government members of Australia, Canada, Chile, and Namibia, speaking on behalf of the Africa group did not support the amendment.

835. The amendment was withdrawn.

836. Two amendments (A.43, A.11) proposing to replace the word “Convention” with the word “Recommendation” fell.

837. Point 9 was adopted.

Point 10

838. Identical amendments to delete point 10 submitted by the Employer Vice-Chairperson (A.123), the Government members of the United States (A.122), China (A.12), Poland, on behalf of the EU Member States (A.30), Malaysia (A.134), India (A.44) and the Worker Vice-Chairperson (A.80) were withdrawn.

839. The Worker Vice-Chairperson introduced an amendment (A.82) to delete the phrase “, stating the respective positions of the organizations referred to in point 8” from point 10. The language was unnecessarily complex for Governments and potentially burdensome. However, while the concern remained valid, its discussion was not necessary at this stage, so she withdrew the amendment.

840. Point 10 was adopted.

Point 11

841. Identical amendments to delete point 11 submitted by the Worker Vice-Chairperson (A.83), the Government member of Poland, speaking on behalf of the EU Member States (A.31), the Employer Vice-Chairperson (A.124) and the Government members of India (A.45), the United

States (A.125), Malaysia (A.136), China (A.13) and Switzerland (A.149), speaking also on behalf of the Government members of Japan and Türkiye were withdrawn.

842. Point 11 was adopted.

New point after point 11

A.28

843. The Government member of Poland, speaking on behalf of the EU Member States, introduced an amendment to insert a new point after point 11, which read "Member States may, after consulting with representative organizations of employers and workers, exclude persons engaged to work but not in an employment relationship, in the application of all or part of the Convention." He immediately subamended to delete the words "exclude" before the words "persons engaged in", the word "to" between the words "in platform" and "work", the word "but" after "who are" and to delete, at the end of the sentence, the words "in the application of all or part of the Convention". The text as subamended would read: "Member States may, after consulting with representative organizations of employers and workers, not apply part of the Convention to persons engaged in platform work who are not in an employment relationship, in line with national law, on condition that fundamental principles an rights at work and applicable international labour standards are effectively implemented". The subamendment encouraged ratification by allowing flexibility for Member States whose legal frameworks did not yet fully cover all platform workers. It replaced the term "exclude" with more neutral language and introduced safeguards by linking the provision to national law and the effective implementation of international labour standards.

844. The Government member of Mexico, speaking on behalf of GRULAC, did not support the amendment and subamendment introduced by the Government member of Poland on behalf of the EU Member States. Though some countries might face implementation challenges, international standards should promote upward convergence rather than be constrained by existing national or regional laws. Referencing specific national or regional laws, particularly concerning employment relationships, could set a limiting precedent and hinder policymaking. A single, objective framework was needed, instead of the creation of separate provisions for different categories of workers which could lead to perceived discrimination.

845. The Government members of Norway and Türkiye supported the subamendment and amendment proposed by the Government member of Poland on behalf of the EU Member States.

846. The Government member of India did not support the amendment and subamendment. In India, protections existed for platform workers irrespective of their employment relationship. The exclusion clause in point 8 was sufficient, and the instrument had a separate section on fundamental principles and rights at work under point 12.

847. The Government member of the United States supported the amendment as subamended by the Government member of Poland on behalf of the EU Member States, stating that the Convention must allow governments to protect genuine commercial relationships in line with national laws and practices to ensure its adoptability and ratifiability.

848. The Government member of Namibia, speaking on behalf of the Africa group, noted that fundamental principles and rights at work were addressed in a separate chapter of the text. She requested clarification from the Government member of Poland, speaking on behalf of the EU Member States, on how the proposed amendment (A.28) differed from point 8, which had already been adopted and provided for exclusions.

849. The Government member of Poland, speaking on behalf of the EU and its Member States, explained that, while point 8 addressed temporary obstacles to recognizing and extending rights to digital platform workers, the proposed amendment recognized a structural legal distinction between those in an employment relationship and those who are not.

850. The Government member of Malawi noted that sufficient flexibility had already been provided under points 8 and 9, with point 9 further encouraging the progressive extension of the Convention's application to categories initially excluded. Moreover, the proposed Conclusions already contained a point on fundamental principles and rights at work.

851. The Government member of Oman, speaking on behalf of GCC countries, did not support the amendment and subamendment introduced by the Government member of Poland on behalf of the EU Member States.

852. The Government member of Switzerland supported the amendment and subamendment, describing them as essential to ensuring the Convention's ratifiability. He noted Switzerland's flexibility on its own proposals and emphasized the need for an instrument that set high standards yet remained widely ratifiable. A Convention that was effective only on paper would have limited value if not implementable in practice.

853. The Government members of Iceland, Japan, and the United Kingdom supported the amendment as subamended by the Government member of Poland on behalf of the EU Member States, stating that it would provide the flexibility needed for many governments to ratify the Convention.

854. The Government member of Chile did not support the amendment or subamendment. ILO supervisory bodies consistently affirmed that Conventions established a minimum floor of protection, not a ceiling. The proposed wording could send a negative signal to businesses, particularly in Latin America, where there was a tendency to exclude some categories workers from national labour protection and even acting unconstitutionally in some cases.

855. The Government member of Colombia did not support the amendment or subamendment introduced by the Government member of Poland on behalf of the EU Member States. Allowing provisions to be adapted to national legislation could create a "treaty à la carte". In Latin America, the norm was for legislation to be adapted to treaties, which in some countries held constitutional status. Accepting a principle to the contrary would contradict established international practice.

856. The Government member of Uruguay did not support the amendment or subamendment. Article 19 of the ILO Constitution stated that adopting a Convention should not prejudice national law or practice. While the proposed amendment did not intend to undermine rights, referencing national law in relation to fundamental principles and rights at work could create legal uncertainty about the applicable standards, potentially fragmenting the Convention's application and weakening protection in countries with less robust legal frameworks.

857. The Government member of South Africa did not support the amendment or subamendment introduced by the Government member of Poland, on behalf of the EU Member States, citing legal concerns. In employment law, the phrase "after consulting," implied a procedural formality without requiring agreement, unlike "in consultation with," which entailed mutual engagement, meaningful dialogue and stronger protections. Additionally, allowing Member States to determine which parts of the Convention would apply, could permit broad exclusions that undermine the instrument's purpose. While references to national law and international standards were generally valid, they were redundant here, as ratified instruments already bind national law.

858. The Government member of Brazil did not support the amendment or subamendment. While platform companies have played a positive role in expanding access to employment, especially for those previously excluded, many countries in Latin America, Africa, and Asia faced legal vacuums that such business models exploited. The standard-setting discussion on decent work and the platform economy was a historic and necessary step to address this gap. Therefore, a Convention should cover all types of workers, which would be particularly useful in regions marked by informality and weak legislation.

859. The Government member of Israel supported the subamendment.

860. The Government member of the Philippines did not support the amendment as subamended particularly as there had been an agreement to use the term "digital labour platform workers" instead of the term "persons" which was not clearly defined.

861. The Government member of Poland, speaking on behalf of the EU Member States, introduced a further subamendment to replace the phrase "not apply part of the Convention" to the more precise "not apply specific provisions of the Convention" and replace the phrase "persons engaged in platform work" with the phrase "digital platform workers" for consistency with agreed terminology. The original subamendment necessitated consultation with Worker and Employer representatives to ensure meaningful social dialogue. The reference to fundamental principles and rights at work was included for procedural reasons, as the issue would be addressed more fully under point 12. He noted the absence of Government consensus and requested that this be reflected in record of proceedings.

862. The Government member of Poland, speaking on behalf of the EU and its Member States, withdrew the subamendment and the amendment, however noting that the issues raised would provide a useful basis for the Office's deliberations in the report to be presented next year and be further discussed at a time that was appropriate.

863. The Employer Vice-Chairperson raised a point of order stating her concern that neither she nor the Worker Vice-Chairperson had a chance to respond to the amendment and subamendment despite the fact that they had asked for the floor before it had been withdrawn.

864. The Chairperson apologized for not taking note of the Vice-Chairpersons' request and affirmed that the Government member of Poland, speaking on behalf of the EU and its Member States had already withdrawn his amendment.

865. The Worker Vice-Chairperson noting her intention to intervene earlier, accepted that the proposal had been withdrawn. The Workers' group did not support the amendment and subamendments as they would have undermined the goal of extending protections and achieving decent work for platform workers, especially those outside or treated as outside the employment relationship. The Committee had already agreed to limit exclusions to specific categories in point 8 and to progressively work towards moving those exclusions.

866. The Employer Vice-Chairperson stated that the Employers' group had intended to propose a solution to help bridge the differing views in the room and it was important to hear from social partners. There seemed to be a lack of conceptual alignment and a continued need to strike a balance between flexibility and fairness in the instrument.

867. Points 12 to 26 and 33 to 78 were bracketed.

Section 9 Title: Impact of the use of automated systems

868. In moving to discussions on automated systems, the Employer Vice-Chairperson noted three areas of agreement with the Workers' group. First, there was a shared recognition of the importance of transparency and making certain information available, even though the details remained to be defined. Second, confidential information needed to be protected, for companies and for workers. Third, privacy must be respected, with different implications for workers and businesses.

869. The Worker Vice-Chairperson confirmed that the statement of the Employer Vice-Chairperson accurately reflected their conversation and looked forward to the Governments' views.

A.375

870. The Employer Vice-Chairperson submitted an amendment to insert in the title of section 9 of Part B the words "decision-making" so that the title would read: "Impact of the use of automated decision-making systems". The insertion served to achieve consistency with the agreed definition of digital labour platform in point 3(a).

871. The Worker Vice-Chairperson did not support the amendment. The focus should include not only automated systems involved in decision-making, but also those that organized work more generally, for example through monitoring or evaluating work as mentioned in the Office text, due to their impact on working conditions.

872. The Government members of Australia, Canada, Namibia, speaking on behalf of the Africa group, and Poland, speaking on behalf of the EU and its Member States, did not support the amendment. Digital labour platforms as defined in point 3(a) could use automated systems other than decision-making systems that affected workers' rights.

873. The Government members of Barbados and Mexico did not support the amendment as point 27(a) covered the various automated systems involved and the extent to which they exercised decision-making.

874. The Employer Vice-Chairperson could be flexible, given that it was only a section title, but it would be important to achieve conceptual clarity before negotiating the substance of the points thereunder. She requested the Office to clarify the ILO's definition of "automated systems," what it entailed, and what types of systems were captured by the term, and how they differed from "algorithms". She also recalled that in point 3, the Employers' group had not supported including the concept of monitoring systems.

875. The representative of the Secretary-General explained that references to automated systems in the proposed Conclusions related to functions of monitoring or evaluating work, or decisions relating to work. The focus was on the impact on work and workers. In the absence of a tripartite definition of those terms, the meaning had been derived from studies conducted by the ILO and others, and from constituents' responses to the questionnaire.

876. The Employer Vice-Chairperson withdrew the amendment, encouraging the Committee to reach conceptual alignment given the absence of an ILO definition and the varying interpretations of relevant terms.

877. The title of section 9 was adopted.

Point 27

A.359

878. The Government member of the United States of America introduced an amendment to delete point 27, for three reasons. First, automated systems and algorithms were not unique to digital labour platforms, citing examples such as brick-and-mortar restaurants that used similar systems for human resource decisions. Regulating such systems solely in the context of digital labour platforms could create inconsistencies. Second, the terms "automated systems" and "algorithms" lacked clear definitions and risked inadvertently including partially automated systems or commonly used tools like payroll software. Workers risked facing information overload in such cases. Third, mandatory disclosure without limiting principles could conflict with domestic trade secret protections and intellectual property laws.

879. The Government members of Australia, Brazil, and Oman, speaking on behalf of the GCC countries, did not support the amendment. Point 27 of the proposed Conclusions addressed transparency and the availability of information, which were central to the Convention and essential to protect platform workers.

880. The Government member of Mexico did not support the amendment. The obligation established in point 27 was to "inform" workers, and not to disclose trade secrets. Providing information in simple language about how workers were monitored and how conditions of work were established was a legitimate and necessary right. The dichotomy between transparency and intellectual property was a false one, noting that national legislation, including in Mexico, permitted disclosure of algorithmic processes without violating industrial secrets. What mattered was explaining how the system operated in practice, not its technological core.

881. The Government member of Barbados did not support the amendment. Deleting the provision would disadvantage workers, particularly in Small Island Developing States. Platforms needed to provide basic information about rules of engagement, pay, and recourse, particularly in regions with limited access to legal or institutional support.

882. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. The intention of the point was not to access proprietary code but simply to ensure that workers were informed if automated systems would be used to evaluate or monitor their work. Insofar as automated systems influenced working conditions or labour relations, the content of point 27 was well within the ILO's mandate.

883. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment. Automated systems were defining features of digital labour platforms and needed to be covered by international labour standards. The target of point 27 was not the technical composition of the automated systems or algorithms, but how they affected workers. Ensuring the protection of intellectual property could be addressed through a more specific amendment to point 27, rather than through the deletion of the point.

884. The Government member of India supported the amendment. Mandatory algorithmic disclosures could burden small enterprises and stifle innovation and job creation and these issues could be better addressed through broader digital regulation. It was premature to enshrine such obligations in a binding international standard.

885. The Employer Vice-Chairperson supported the amendment. Regulating automated systems exclusively in the platform economy would create incoherent and uneven standards. It also oversimplified the diverse technologies behind platforms. Moreover, the ILO's mandate was to set labour standards, not regulate technology, and point 27 risked overstepping that boundary.

886. The Worker Vice-Chairperson did not support the amendment, as point 27 addressed how automated systems affected working conditions and access to work, which were central to the ILO's mandate. She emphasized the importance of transparency in platform work, where such systems determined supervision, pay and access.

887. The amendment (A.359) was withdrawn.

888. The Government member of India introduced an identical amendment (A.312) to delete point 27. He withdrew the amendment noting for the record that the provision in question could result in overregulation of an evolving sector.

A.381, A.384, A.385, A.383 and A.380

889. The Employer Vice-Chairperson introduced an amendment to replace the word "require" with the word "encourage" between the words "Each Member should" and "digital labour platforms". The change would provide governments with greater flexibility, taking into account national contexts, and avoid stifling innovation. The future Convention would also apply to MSMEs, which made up a large part of the platform economy, and which would not have the same capacity to implement as other larger companies.

890. The Employer Vice-Chairperson then asked the Office to reflect further amendments submitted by the Employers' group to share their overall vision, understanding they would still be discussed sequentially as per the Standing Orders. She introduced an amendment (A.384) to insert the words "make available brief descriptions" after "digital labour platforms to", and to delete the phrase "inform digital platform workers, before their employment or engagement, and their representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers,". Requiring companies to provide information on automated systems posed practical challenges for smaller companies especially and could constitute a considerable intrusion into the operations of private enterprises. Companies were not typically obligated to engage with unions on those matters. Encouraging them to provide brief descriptions however would be a reasonable compromise.

891. Three other amendments submitted by the Employers' group were also displayed on the screen. One (A.385) proposed to delete clause (a). Another one (A.383) for clause (b) to read: "the extent to which the automated decision-making systems are used to offer access to work." Another one (A.380) to add a new clause that read "without compromising trade secrets, intellectual property, or commercially sensitive information" to reflect the need for non-disclosure of confidential information as agreed with the Workers' group, which was critical when it came to technology governance.

892. The Worker Vice-Chairperson did not support the amendment (A.381). It was essential that workers had access to all the information outlined in point 27, and to be effective, the provision of information must be required, not encouraged. Workers needed to understand their working arrangements and how decisions affecting them were made.

893. The Government member of Japan supported the first amendment (A.381). Algorithms were used in other sectors as well and it was inappropriate to impose obligations solely on the platform economy.

894. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment (A.381). From a legal perspective, the term "encourage" would create uncertainty rather than flexibility.

895. The Government members of India and of the United States supported the amendment (A.381).

896. The Government member of Chile did not support the amendment (A.381). His country had been among the first to adopt legislation on the issue, and it was feasible and appropriate to outline company obligations. Transparency was important for workers in organizing and performing their work in accordance with national regulations. Moreover, companies should be subject to the legal frameworks of the countries in which they operated and should not gain a competitive advantage by concealing information.

897. The Government member of Australia did not support the amendment (A.381). Workers needed to be informed of how automated systems affected their work, decisions and conditions. Monitoring systems might be widespread but automated systems were integral to digital platforms and had a distinct impact on platform workers.

898. The Government members of Namibia speaking on behalf of the Africa group, and of Pakistan, did not support the amendment (A.381). Retaining the word "require" was necessary to ensure that workers were properly informed and fully understood how the provisions affected them.

899. The Government member of Mexico did not support the amendment (A.381). The provision concerned the use of technology as a tool for organizing and monitoring work, not the disclosure of trade or industrial secrets. Governments should have the mandate to require platforms to inform workers about the conditions under which they worked, especially in the absence of traditional employment contracts. Transparency was essential, as the only means of communication between companies and workers in such contexts were the digital tools described in the point.

900. The Government members of Barbados, Brazil, Malawi, and the Niger did not support the amendment (A.381). The word "encourage" was ambiguous. Moreover, the thrust of point 27 was not about revealing trade secrets but about ensuring that workers were informed of their working conditions, just as they would be in traditional labour arrangements. Platform workers had the right to know what tasks were expected of them, how they would be assessed, and whether automated systems were involved. Finally, if a company had the means to deploy such systems, it also had the means to inform workers about their use, at no significant cost.

901. The Government member of the United States questioned the need to require employers to inform workers about automated monitoring, evaluation or decision-making systems. Such systems were already widely used in many workplaces, including beyond the platform economy, and were typically included in the normal conditions of employment. He asked the Office whether any ILO Convention had ever required employers to inform workers about the use of automated systems, and whether any Recommendation had ever encouraged such disclosure.

902. The representative of the Secretary-General confirmed that it was the first time such a provision would be included in an ILO instrument. While such systems existed in other sectors, they were central to digital labour platforms, and thus relevant to the proposed Convention. The Convention did not aim to regulate algorithms, which fell outside the ILO's mandate, but instead focused on ensuring transparency around systems that affected working conditions and access to work.

903. The Government member of the United States noted that the provision risked creating unprecedented rights rather than merely extending existing ones.

904. The Government member of Switzerland supported the amendment (A.381). It offered appropriate flexibility and was consistent with the Committee's objective of crafting a non-prescriptive, principle-based instrument.

905. The Government member of Canada did not support the amendment (A.381), noting the importance of transparency and fairness as guiding principles in a principle-based Convention.

906. The Employer Vice-Chairperson pointed to underlying issues in point 27 of the proposed Conclusions as originally drafted. She cautioned against applying employment-based standards to self-employed platform workers. The Report V(1) entitled Realizing decent work in the platform economy originally referred to “algorithms,” but changed to “automated systems” in the proposed Conclusions, which remained undefined, creating significant ambiguity, and making it difficult for Employers to agree to the term “require.” She cautioned against the implications of point 27 for the additional provisions in the instrument. If enterprises were to be required to provide source code access for example, as proposed in further amendment (A.374) introduced by the Workers’ group, it would violate intellectual property rights and confidentiality.

907. The Government member of Mexico did not support the amendment (A.381). The intent was to develop a principle-based Convention and the principle at stake was the right of workers to know their conditions of work. The intent of point 27 was simply to provide information.

908. The amendment (A.381) was withdrawn.

909. The Employer Vice-Chairperson introduced an amendment (A.384) already shown on the screen to replace the words “inform digital platform workers, before their employment or engagement, and their representatives or representative workers’ organizations and, where they exist, organizations representing digital platform workers,” with the words “make available brief descriptions”.

910. The Worker Vice-Chairperson did not support the amendment (A.384) and preferred the Office text, which required providing workers with information necessary to understand their working conditions and how decisions affecting them were made. Only making brief descriptions available would remove the requirement to inform workers, their representatives, and relevant organizations before employment or engagement.

911. The Government member of the United States supported the amendment (A.384). It resolved concerns around the disclosure of trade secrets or intellectual property, as a brief description would not include such sensitive information. He requested clarification from the Office on whether the original text would require disclosure of such information.

912. The representative of the Secretary-General clarified that the information in question did not relate to trade secrets or sensitive intellectual property. Instead, it concerned whether automated systems were used to monitor or evaluate digital platform workers and, if so, the nature and extent of their impact.

913. The Government member of Australia did not support the amendment (A.384). It stripped the provision of substance, context and rigor. He recalled that Governments had agreed, mostly reluctantly to the deletion of point 5 to allow space for meaningful tripartite dialogue on automated systems. The discussion, however, had become a prolonged debate over the same issue, despite broad support for the Office text.

914. The Government member of the United States proposed a subamendment, seconded by the Employer Vice-Chairperson, to delete the word “brief,” so the text would read “to make available descriptions”, for clarity.

915. The Government member of Poland, speaking on behalf of the EU and its Member States did not support the amendment (A.384) and preferred to retain the original language proposed by the Office. If a company was able to implement an automated system, it should also be capable of providing understandable information to workers about that system. It was not expected that companies should disclose complex, sensitive, technical details like programming scripts.

916. The Government member of Mexico did not support the amendment (A.384) nor the subamendment.

917. The Government member of India introduced a further subamendment, seconded by the Employer Vice-Chairperson, to insert the word “relevant” between the words “available” and “descriptions”, to read “available relevant descriptions” to place greater emphasis on the quality and pertinence of the information to be provided.

918. The Government member of the United Kingdom asked the Office whether, under the proposed Conclusions, simply telling a platform worker that an algorithm determined their pay would meet the requirements stipulated in clauses (a) and (b) of point 27.

919. The representative of the Secretary-General responded that simply stating that an algorithm determined pay would not fully meet the requirement, as clause (b) specifically referred to the extent to which the automated system impacted working conditions.

920. The Government member of Namibia speaking on behalf of the Africa group, did not support the amendment (A.384) or subamendment and preferred the original text. It was necessary to have clear and complete information to protect all parties involved. Anything less could lead to misunderstandings, misinformed expectations, and unnecessary labour disputes, as it might not sufficiently convey the risks associated with the job.

921. The Government member of the Niger did not support the amendment (A.384) or subamendments. He drew a parallel to the fact that Governments provided thorough information to businesses on incentive schemes to invest in their countries, yet without disclosing their fiscal secrets.

922. The Government members of Nigeria and Zimbabwe did not support the amendment (A.384) and invited the Employers to withdraw it.

923. The Government member of the United States withdrew his subamendment and asked the Office whether the requirements stipulated in clauses (a) and (b) of point 27 would be fulfilled if the platform informed the worker that their pay was based on an automated system and that they could be deplatformed – meaning the severing of access to future work opportunities or the deactivation of the user’s account – through automated management or aggregated reviews of their work.

924. The representative of the Secretary-General confirmed that such information, including the specifics of what was meant by “deplatforming”, would meet the requirements.

925. The Government member of the United States noted that the clarification provided by the Office alleviated his concerns and that he could support the Office text; however, the language was ambiguous and should be clarified in the Brown Report to reflect the explanation provided by the Office regarding information that would be sufficient to meet the requirement.

926. The Government member of Mexico, speaking also on behalf of the Government member of Chile, noted that all amendments to point 27 addressed closely related issues. The Employers’ and Workers’ groups had requested Governments to agree to the deletion of point 5, with the understanding that progress would then be made on points 27 to 32. However, no such progress had materialized. He therefore proposed that all parties withdraw their amendments to point 27, allowing it to be adopted as originally proposed by the Office. The remaining time could then be used to discuss subsequent points.

927. The Worker Vice-Chairperson supported the proposal of the Government member of Mexico and offered to withdraw all the Workers’ group’s amendments (A.358, A.360, A.361, A.363) to point 27.

928. The Government member of Poland, speaking on behalf of the EU and its Member States, stated his willingness to withdraw their amendments (A.320, A.321, A.322 and A.323) to point 27.

929. The Government members of Australia and Brazil supported the proposal of the Government member of Mexico.

930. The Employer Vice-Chairperson did not support the proposal of the Government member of Mexico and suggested the amendment (A.384) be bracketed. The provision, in its original form, presented severe shortcomings and fundamental challenges. The issues under discussion were highly technical and subject to fundamental disagreements. There were still several outstanding amendments to the same point, suggesting that it would be preferable to allow more time for consideration. Given the complexity of the issue, the topic merited more time.

931. The Government member of India did not support the proposal of the Government member of Mexico to revert to the original Office text, stressing that the extended discussions reflected the contentiousness of the issue.

932. The Government member of Malawi did not support bracketing the amendment (A.384). The majority of Government members and the Workers' group had supported the text of point 27 as originally drafted in the proposed Conclusions. Countries that lacked legislation needed guidance to develop appropriate regulation. Continued deferral would not help workers, governments, or the platform economy, especially given the lack of existing legal frameworks.

933. The Worker Vice-Chairperson called for either a show of hands or for the Chairperson to exercise his prerogative to bring the amendment (A.384) to a decision.

934. The Employer Vice-Chairperson cautioned against a vote and noted that the topic needed discussion by all parties. The content of point 27 marked the ILO's first attempt at technology governance. Further amendments (A.374) that related to sharing source code and information-sharing with competent authorities were of significant concern.

935. The Government member of Australia asked the Office to clarify what the consequences would be for further amendments introduced by the Employers' group if the amendment (A.384) were put to a vote.

936. A representative of the Office explained that all remaining amendments to point 27 would need to be discussed and decided on individually.

937. The Government member of Australia noted that the Committee faced two options: either accept bracketing or, given the clear preference in the Committee for the Office text, proceed swiftly to take decisions on the four remaining Employer amendments.

938. The Government member of India noted that trying to rush through the discussion while Employers did not agree to withdraw their amendment undermined the importance of the provision.

939. The Government member of Mexico, also on behalf of the Government members of Brazil and Chile, emphasized that Government members had shown great flexibility in accepting the deletion of point 5, made in good faith to facilitate agreement on points 27 to 32. The compromise was accepted despite it resulting in a bipartite rather than tripartite position, with the hope that it would open the door to progress. He invited the Employers' group to reconsider their position.

940. The Government members of Canada, of Namibia, speaking on behalf of the Africa group, of the Niger, and of Nigeria did not support bracketing the text. There was broad and clear support for the Office text, with nearly all amendments withdrawn, except those of the Employers' group.

941. The Government member of Poland, speaking on behalf of EU and its Member States, placed on record that the Employer Vice-Chairperson had requested the Office to display all their amendments to point 27, all of which she had then introduced. The Government members of the Committee preferred the Office text of point 27 over the amendments proposed by the Employers' group.

942. The Employer Vice-Chairperson clarified that she had only introduced two of the Employers' group's amendments (A.381 and A.384). She sought confirmation from the Office that if the text were to be bracketed, the brackets would go around the original Office text, not their amendment.

943. The representative of the Secretary-General confirmed that if there was no decision on the amendment (A.384), it would be the original version of point 27 of the proposed Conclusions that would be bracketed and presented at International Labour Conference the following year.

944. The Employer Vice-Chairperson noted that the Employers' group had offered compromises and concrete language suggestions. The topics were complex, requiring time to discuss. Nonetheless, she agreed to withdraw the amendment (A.384).

945. The amendment (A.384) was withdrawn.

946. An amendment (A.320) was withdrawn by the Government member of Poland, speaking on behalf of the EU Member States.

947. Four amendments (A.358, A.360, A.361 and A.363) were withdrawn by the Workers' group.

948. The Government member of Australia did not support the amendment (A.385) introduced by the Employer Vice-Chairperson as it seemed to envisage the collection of data on the extent of usage of automated systems while simultaneously expressing discomfort with the simple disclosure of their use.

949. The Employer Vice-Chairperson asked the Office to clarify the rule governing the procedure to be followed in the absence of interpretation, as the sitting had gone beyond the scheduled time during which interpretation had been secured.

950. The representative of the Secretary-General stated that there was no rule on the matter and that it was for the Committee to decide whether to continue. There was indeed precedent, including Committees working until early hours the previous year. She confirmed that the Secretariat remained at its disposal.

951. The Employer Vice-Chairperson did not support continuing the session without interpretation.

952. The Government member of Barbados recalled that during the previous year, delegates in the Committee of the General Discussion on decent work and the care economy, which he had chaired, had stayed until 4am without interpreters out of commitment to completing their mandate.

953. The Worker Vice-Chairperson did not support the amendment (A.385).

954. The Government member of Namibia, speaking on behalf of the Africa group, and Zimbabwe did not support the amendment (A.385).

955. The Government member of Poland, speaking on behalf of the EU and its Member States, did not support the amendment (A.385) and preferred the original text proposed by the Office.

956. The Employer Vice-Chairperson said the Employers' group's remaining amendments (A.385, A.383, and A.380) had not been fully introduced or discussed and therefore she would not withdraw them.

957. The Worker Vice-Chairperson requested a vote by show of hands to decide on the amendment (A.385).

958. The Government member Poland, speaking on behalf of the EU and its Member States, noted that, in a spirit of cooperation, he had agreed to withdraw his proposed amendments, which were equally important and also had not been discussed. To reach consensus, he kindly invited the Employers' group, who had already presented and elaborated all their proposed amendments on point 27, to do the same.

959. The Employer Vice-Chairperson clarified that while the Employers' group's amendments had been shown on the screen, she had not presented all of them and they had not been discussed. She further stated that efforts to reach consensus had not yet been exhausted and that further discussions were still needed. The topics were important and should not be rushed, nor put to a vote.

960. The Government member of Australia acknowledged the concern of the Employers' group, but also pointed out that there had been exhaustive discussion on the overall intent of the proposal, with Government members and the Workers' group indicating broad consensus with the Office's position. Although not all specific amendments had been discussed, Australia believed the Committee was in a position to make a considered determination that the Office text was the best available option.

961. The Government member of India said that proceeding without translation would eliminate the opportunity for consensus-building. He supported the Employers' group proposal to adjourn and bracket the text until the next year.

962. The Employer Vice-Chairperson proposed to bracket the text. If the Workers' group insisted on a vote, it would have to be a record vote, even though the amendment (A.385) had not been thoroughly discussed.

963. The Government member of Malawi did not support the proposal to bracket the text. She recalled that Government members had agreed to delete point 5 even though they had requested support from the Employers' group to bracket it instead. She asked for the same understanding.

964. The Government member of the United States of America noted that he understood the intent of the Office text following the explanation of the Office, but found the wording unclear and would consider proposing new amendments the following year to more precisely capture the Office's explanation of the Office text's intent, if the wording remained unclear.

965. The Government member of Mexico, speaking also on behalf of the Government members of Brazil, Chile, and Colombia, did not support the amendment (A.385) and supported the Office text.

966. The Government member of Nigeria did not support the amendment (A.385). He suggested that the Committee take note of those Government members supporting the Office text and weigh that against those opposing it, along with the position of the Workers' group, to assess whether a strong majority existed that could lead to consensus.

967. The Government members of Switzerland and of the United States understood that the entirety of the draft Conclusions would be reopened for deliberations the following year, regardless of the fate of the remaining amendments. The representative of the Secretary-General confirmed their understanding.

968. The Government member of Poland, speaking on behalf of the EU and its Member States, asked, that should the Committee revisit the same points the following year, if the Employers' group would want governments to request the Office to provide a thorough elaboration of the proposal of a simplified amendment procedure as stated in point 5 of the proposed Conclusions so that the governments could discuss it if they so wished.

969. The Government member of Australia agreed that everything would technically be opened for discussion the following year but said that the Committee should not repeat all discussions. He called for compromise and building on what had been achieved.

970. The Government member of Namibia, speaking on behalf of the Africa group, concurred with the argument of the Government member of Poland.

971. The Employer Vice-Chairperson recalled that the agreement had been to discuss points 27 to 38, and that the Employers' group had been true to that agreement. She regretted the negative tone of the Committee. The Employers' group did not wish to withdraw the amendments because the topics were of importance to them. It was important to achieve a standard that enjoyed ownership across the ILO's tripartite constituents.

972. The Worker Vice-Chairperson believed that usually agreed text was not reopened. However, if such text was being reopened then there was a discussion to be had on point 5.

973. The Government member of Barbados asked the Office to provide more information on the simplified and accelerated amendment procedure in the Brown Report so that they could discuss it the following year.

974. The Worker Vice-Chairperson noted an overwhelming preference for the Office text under point 27. In view of the majority view in the room, she asked if the Committee was prepared to decide not to adopt the amendments (A.385, A.383).

975. The Employer Vice-Chairperson stated that, while withdrawing the remaining amendments (A.385 and A.383) was not possible, the Employers' group would not prevent the Committee from moving forward with a decision. The Employers' group intended to remain constructive and would not seek to reopen adopted text at next year's session. She expressed hope that a genuine dialogue would take place next year to enable discussion on the substance of the instrument.

976. The amendments (A.385 and A.383) were not adopted.

977. Three amendments (A.321, A.322 and A.323) were withdrawn by the Government member of Poland, speaking on behalf of the EU Member States.

978. Point 27 was adopted.

Discussion of the draft resolution

979. The Chairperson presented the draft resolution prepared by the Office to give effect to the decision of the Conference to place an item entitled "Decent work in the platform economy" on the agenda of its 114th Session (2026) for a second discussion with a view to the adoption of a Convention supplemented by a Recommendation.

980. The Worker Vice-Chairperson supported the draft resolution, affirming that it properly reflected the discussions and the conclusions taken by the Committee.

981. The Government member of Mexico, speaking also on behalf of the Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela (Bolivarian Republic of) supported the draft resolution proposed by the Office.

982. The Government members of Australia, China, Malawi, Oman, speaking on behalf of the GCC countries, Pakistan, Poland, speaking on behalf of the EU and its Member States, and South Africa supported the draft resolution proposed by the Office.

983. The Government member of Barbados supported the draft resolution, noting, however, that the fifth paragraph of the draft resolution could be strengthened to emphasize the need to have tripartite consultations before the following session of the Conference.

984. The Government member of the United Kingdom supported the draft resolution, noting that it appropriately reflected the discussions. He urged the Committee and the Office to reflect not only on the limited time available but also on other factors that may have contributed to the Committee's inability to conclude its examination of the proposed Conclusions.

985. The Government member of Singapore supported the draft resolution and highlighted his appreciation for the work of the Office.

986. The Government member of Namibia, speaking on behalf of the Africa group, supported the draft resolution. Paragraph 5, which referred to further tripartite consultations, could explicitly mention meetings to constructively engage constituents and promote a better understanding of the subject matter and the content to be included in the forthcoming Brown Report.

987. The Government member of India supported the draft resolution. He noted that the differing perspectives on the nature, scope, and definitions within the proposed instrument reflected the complexity and rapidly evolving nature of platform work, which varies significantly across countries. Tripartite consultations should be conducted to build consensus on the proposed Conclusions ahead of the next session of the Conference.

988. The Government member of the Philippines supported the draft resolution. He called on the Office to organize preparatory meetings to enable the Committee to arrive at a responsive international instrument that could guide the development of national legislation to address decent work deficits in the platform economy.

989. The Government member of Nigeria supported the draft resolution and the requests for consultations before the Committee's second discussion. It was important to reach consensus at the next International Labour Conference.

990. The Employer Vice-Chairperson supported the draft resolution. Social dialogue, ahead of the next session, would be an important opportunity to foster mutual understanding and appreciation of the diverse needs of different regions. Certain elements of the draft resolution could be strengthened, particularly by acknowledging challenges faced by the Committee beyond time constraints. To reflect her points, she proposed amendments to replace the words "lack of time" with "the technical complexity of the subject matter, the length and detail of the draft conclusions, as well as diverging views among constituents" in the fourth paragraph of the draft resolution to more accurately reflect the reality of the discussion, in line with what she understood to be the concerns raised by the Government member of the United Kingdom. She proposed to replace the phrase "the forms of the standards, the definitions and the scope of the standards," with "Section A and Section B (Scope and Point 27)" to correctly reflect what had been agreed upon.

991. She further proposed to include at the end of the sixth paragraph, after the words "before the second discussion," the words "requests the Office to convene a Special Tripartite Consultation Meeting during which constituents will be able to examine key issues, foster common understanding and jointly consider how to streamline the bracketed text in order to achieve a principle-based instrument. This process should provide clear guidance to the Office for the preparation of a concise revised draft for the second discussion under Article 46.6 of the Standard Orders of the Conference. The meeting should take place no later than three months from the date of adoption of this resolution." She also proposed adding a subsequent paragraph to read "In this context, the time frame for communicating the draft Convention and Recommendation as stipulated in article 46.6 of the Standard Orders of the ILC may be adjusted as needed, provided that they are circulated no later than one month following the Special Tripartite Consultation Meeting". These additions aimed to clarify the Employers' group's expectations regarding the tripartite consultation process. Finally, she proposed deleting the last paragraph of the draft resolution as it was only a formality in terms of reporting.

992. The Worker Vice-Chairperson preferred the original text of the draft resolution as it allowed for consultations without prescribing a specific time frame or detailed arrangements that were difficult to determine so far in advance. It was also not clear what technical complexity the Employer Vice-Chairperson referred to, as the aim was to ensure that platform workers received appropriate protection.

993. The Government member of Poland, speaking on behalf of the EU and its Member States, noted that the changes proposed by the Employers' group were extensive. He suggested that the amendments proposed by the Employers' group not be formally adopted, but rather that they be reflected in the summary proceedings and taken into consideration.

994. The Government member of Mexico, speaking on behalf of GRULAC, felt the original draft resolution already adequately reflected the points raised by the Employer Vice-Chairperson. He requested the Office to clarify the process and timelines ahead of the next session of the Conference.

995. The Government members of the United States and Switzerland and Namibia, speaking on behalf of the Africa group, supported the original draft resolution.

996. The representative of the Secretary-General clarified that, as per the Standing Orders (article 46, paragraphs 6 and 7), the Office would issue the Brown Report by 15 August, which would include a draft Convention and Recommendation drawing on the Committee's discussions as well as amendments that could not be addressed during the session. Member States would be invited to provide feedback by 14 November, allowing the Office to prepare the Blue Report by 2 March 2026. The tripartite consultation on biological hazards had been informal in nature and enabled delegates to voice concerns and explore the potential for common understanding. Any official tripartite meeting, such as a meeting of experts, a tripartite technical meeting and a sectoral meeting, would require careful consideration of the type, format and would need the approval by the Governing Body due to financial implications.

997. The Employer Vice-Chairperson confirmed her willingness to proceed with the adoption of the resolution as drafted by the Office. She emphasized, however, that the obstacle during the negotiations was not a lack of time but the complexity of the issues, the divergence of views, and the need for deeper substantive discussion. Furthermore, the resolution should accurately reflect what was agreed. Lastly, the organization of an informal tripartite meeting ahead of next year's session was a major priority for the Employers' group. Such a meeting should be held sooner rather than later, inform the Office's work, and ideally take place in person, as this would better support consensus-building. The consultation on the labour standard adopted on biological hazards was a useful precedent but it had occurred too late in the process.

998. The resolution was adopted.

Adoption of the proposed Conclusions

999. The Committee adopted the proposed Conclusions as amended, bracketed and reviewed by the Drafting Committee.

Closing statements

1000. The Worker Vice-Chairperson emphasized the urgent need for international standards to protect all platform workers, web- or location-based, employed or self-employed, formal or informal, who currently lack access to decent work. Many of the deficits in decent work stemmed from digital platforms exploiting or deliberately creating legal gaps to avoid obligations while generating significant revenues. She welcomed agreement on the form of the instruments and key aspects of the scope, exclusions and definitions. The broad definitions of digital labour platform and platform worker affirmed that all workers, regardless of status, were entitled to rights. The platform's service was inseparable from the work performed and organized through the platform. While the Workers' group had reluctantly accepted an exclusion clause, no Member State should use the clause to systematically deny rights and protections to workers in non-standard employment arrangements.

1001. She noted that many substantive issues had not been addressed due to the slow pace of discussions and outlined priority concerns the Workers' group intended to revisit in the next discussions. Fundamental principles and rights at work applied to all workers. Algorithmic monitoring and app-based surveillance undermined freedom of association, and retaliatory practices such as deactivation must be addressed. In many jurisdictions, self-employed workers were denied collective bargaining rights on competition law grounds, which must be rectified. Occupational safety and health were important, especially in light of the physical risks faced by millions of platform workers, who often bore these costs alone. Efforts to legislate protections had often been undermined by corporate lobbying.

1002. The Workers' group supported the Office's text in point 21 of the proposed Conclusions regarding the employment relationship. The ILO Employment Relationship Recommendation, 2006 (No. 198), should be given full effect including through the application of primacy of facts. The text could be strengthened by recognizing a range of methods to determine the existence of an employment relationship, including a legal presumption of employment. Additional issues related to remuneration had to be addressed, including the compensation of waiting time, reimbursement for work-related costs with a full reflection of these costs in total compensation, comparable to traditional employment arrangements. Many digital platforms had failed to contribute to social security schemes, disadvantaging traditional employers and leaving platform workers without access to protections such as health insurance, pensions or paid leave. Platform workers should have access to social protection on terms no less favourable than those applicable to comparable workers under national systems.

1003. Violence and harassment, particularly sexual and gender-based violence, needed to be addressed in recognition of the serious risks faced by many platform workers, especially women and migrants. Migrant workers were overrepresented in platform work and often faced lower quality jobs, longer hours, and more dangerous conditions than non-migrant workers. The situation was particularly precarious for those in irregular status, frequently due to their exclusion from standard employment arrangements. There was a need to add language on extending access to legal assistance funds, social services and other specialized services as appropriate.

1004. Though some agreement had been made on access to information, further safeguards related to automated systems were needed. Workers should receive information in plain language and to have rights to consultation over the introduction, use, and modification of automated systems. The rise of algorithmic management and automated decisions to discipline and terminate workers was particularly concerning. Platform workers should have the right to written explanations, human review, and appeal, including access to a tribunal. Stronger provisions were needed on data protection. Platform workers should have the right to access, rectify and erase their personal data, including ratings and reviews and benefit from any commercial use of data generated through their work. Digital platform workers must also have easy access to fair and effective mechanisms for dispute resolution in the country where they reside or perform work. Digital labour platforms and intermediaries should share responsibility, rather than placing the burden on the worker.

1005. The Employer Vice-Chairperson stated the importance of approaching the discussion with the goal of optimizing the opportunities offered by the platform economy, including improved access to work, formalization and support for MSMEs. The Employers' group had entered the Committee with the objective of negotiating a non-binding, principle-based Recommendation. While many governments supported a Recommendation, consensus on the form of the instrument was not reached. Although the record vote did not result in a Recommendation, the Employers' group respected the outcome.

1006. The Employers' group had participated actively, in good faith and with a spirit of compromise. However certain interventions had questioned the group's integrity, which it firmly rejected. In preparation for the negotiations, the Employers' group had worked across regions to develop a shared position and align priorities. The Employers' group had made serious efforts with the Workers' group to advance discussions, even when not all proposals were mutually acceptable. Questioning the Employers' group's motives was inappropriate and harmful to the spirit of social dialogue. The Employers' group also had serious concerns about the exclusionary practice of continuing meetings without interpretation. This had silenced some of her group's delegates and impeded full participation, a situation that was not acceptable in an organization grounded in inclusion and dialogue.

1007. While the Office's hard work was notable, there were structural issues, particularly the length of the proposed Conclusions, which contained 78 provisions which was unprecedented for a first discussion. This had played a role in hindering meaningful dialogue.

1008. The role of the Office should remain neutral, facilitating dialogue between constituents. There had been instances of differential treatment towards the Employers' group in comparison with others. The Employers' group would not accept a take-it-or-leave-it negotiation. All Committee members should assess the legal, operational, and economic implications of the instrument in their national contexts and be prepared to engage seriously, including on possible amendments. The Employers' group preferred a constructive negotiation environment with a genuine amendment process, where proposals could be fairly discussed. The Office should convene an informal, tripartite consultation that offered clarity on the meaning of a principle-based instrument. Such a meeting should take place early as possible to inform the Brown Report. The provisions agreed upon during the current session should not be reopened next year noting that respecting past progress was essential to preserving consensus. The Employers' group remained committed to an instrument that was balanced, practical and fit for purpose, one that reflected the diversity of national systems, supported economic opportunity, promoted innovation and strengthened decent work in the platform economy.

1009. The Government member of Poland, speaking on behalf of the EU and its Member States, welcomed the Committee's agreement on key elements, including the form of the instrument, definitions and scope. Given time constraints and divergent viewpoints, he requested the Office to support intersessional meetings. The Governments of EU Member States had supported a Convention supplemented by a Recommendation that protected workers and promoted decent work while remaining implementable. Key priorities included ensuring universal application of fundamental rights, proper classification of workers based on the primacy of facts, and strong safeguards and oversight of algorithmic systems.

1010. The Government member of Mexico, speaking on behalf of the Government members of Antigua and Barbuda, Bahamas, Barbados, Belize, Plurinational State of Bolivia, Brazil, Chile, Colombia, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, St Kitts and Nevis, St Vincent and the Grenadines, Santa Lucia, Suriname, Trinidad and Tobago, Uruguay, and Bolivarian Republic of Venezuela described platform work as one of the most significant transformations in the world of work in recent decades. While it disrupted traditional employment structures and posed regulatory challenges, it also created millions of jobs, particularly for those historically excluded from formal labour markets. In a region marked by high informality and unemployment, platform work was seen as both a challenge and an opportunity. Many platform workers lacked adequate protection due to outdated legal frameworks which necessitated an international labour standard. The Committee's deliberations had been demanding because of the complexity and novelty of the subject matter and the diverse legal traditions. The vote that had taken place during the proceeding was a legitimate democratic tool that enabled more structured and substantive dialogue. A Convention and Recommendation were needed that covered all digital platform workers, excluding only platforms that advertised services without organizing work. Fundamental principles and rights at work were unquestionable and occupational health and safety was a duty of care of platforms. He supported the Office's text on remuneration, opposed exploitative deductions, and welcomed provisions on automated systems and algorithms, affirming that workers must be informed about how such systems affected their work and remuneration.

1011. The Government representative of Oman, speaking on behalf of the GCC countries, recognized that though organizing and regulating platform work was a challenge, it was not unachievable. Social dialogue was important to achieve common goals despite differing concerns, though subsequent discussions should take place at a faster pace.

1012. The Government member of Namibia, speaking on behalf of the Africa group, noted that discussions were not merely about dialogue, but about shaping the frameworks that governed livelihoods and fairness in the platform economy. Vague standards and a lack of protections risked exploitation rather than innovation. Continued deliberation should focus not just on policy but on the platform workers themselves. The moment had come to rise above corporate interests and national silos to adopt shared principles that reward innovation and protect workers. A Convention and Recommendation should be powerful, even if not perfect, and must inspire trust and adaptability. All work, regardless of platform, place, or algorithm, must be decent work with transparency, fair pay, and dignity as minimum standards.

1013. The Government representative of Grenada, speaking on behalf of the CARICOM countries, emphasized the need for international labour standards to consider the specific contexts and constraints of platform work for small and vulnerable economies. CARICOM countries welcomed the double-discussion procedure and noted the need for tripartite consultations before the second discussion. Any future instrument must be grounded in the fundamental principles and rights at work, safeguard against automated decision-making systems, ensure protection of workers' data and privacy, and prevent unjustified disengagements.

1014. The Government representative of India emphasized the diversity in platform economies across countries. India's commitment to protecting workers' rights and social protection was reflected in 940 million people being covered by at least one social protection scheme, and a 2020 Code on Social Security that formally defined gig and platform workers, mandating their registration and coverage through a dedicated fund. Over 2 million workers had registered on the "e-Shram" platform, with recent budget provisions extending health insurance to 10 million platform workers and their families, alongside ongoing work on pensions. The instrument developed should reflect diverse national contexts, be informed by comparative research and adopt a flexible, phased approach grounded in national realities.

1015. The Government member of Barbados emphasized the significant implications of the platform economy for small states, noting the uncertainty surrounding the sector due to rapid technological change. There was a need to protect worker's rights while encouraging innovation, and a need for clear expectations, transparent work evaluation, and privacy safeguards, particularly in dealings with multinational entities. Protection and innovation were not mutually exclusive and indeed "protection and production" was a guiding local philosophy. This was exemplified historically, as emancipation had spurred innovation in the sugar industry.

1016. The Government member of Switzerland acknowledged the difficulty of the task due to the innovative and crucial nature of the topic. While the platform economy had expanded access to work for previously excluded individuals it presented new challenges. It was important to have a principle-based, flexible, and non-prescriptive instrument that ensured adequate protection for all workers, including employees and the self-employed. There was a need for early informal tripartite intersessional consultations before the next session of the Conference.

1017. The Government member of the United States noted the lack of coherent understanding of the platform economy and the type of regulation required, noting divergence between those favouring a flexible approach and those supporting a more prescriptive one. Central to this was the question of whether self-employed platform workers would be treated the same as employees. A flexible instrument was needed that balanced diverse views, ensured broad ratifiability and allowed for meaningful implementation across countries regardless of their size. An overly rigid approach could create conflict and result in an instrument that was not adoptable.

1018. The Government member of the United Kingdom highlighted his support for a legally binding Convention that could be ratified by the largest number of Member States. Advancing workers' rights was a core priority for the UK Government. Through the UK's Plan to Make Work Pay, the Government would deliver the most significant upgrade to workers' rights in a generation. In addition, the forthcoming Employment Rights Bill aimed to promote economic growth and decent work for all, anchored in a framework that ensures every worker has a voice.

1019. The Government member of Australia highlighted the importance of constructive social dialogue and tripartite consensus in developing tailored regulation that advanced workers' rights while reflecting the unique nature of the platform economy. Most digital platform workers were not classified as employees and were among those most affected by regulatory gaps. Excluding them from the Convention's scope would leave many without protection. The Convention should include core issues such as fundamental rights, occupational health and safety protection, decent pay, algorithmic safeguards, and human involvement in decisions affecting access to work. The Office's text provided a strong basis for a principles-based Convention on these matters. Those in the Committee requesting flexibility or changes should bring forward concrete ideas that make the text more inclusive, workable and clear.

1020. The Government member of Canada noted that Governments had expressed the need for an international standard to protect digital platform workers, who were often exposed to poor conditions and regulatory gaps. Algorithmic management was a defining feature of platform work and significantly shaped working conditions. He supported a principle-based Convention, supplemented by a Recommendation that ensured decent, sustainable platform work and provided practical guidance to ILO Members. He supported informal intersessional consultations and emphasized that constructive dialogue and compromise from all parties would be essential.

1021. The Government member of Peru expressed appreciation for the negotiations that had taken place.

1022. The Government member of Zimbabwe noted the lack of progress made and highlighted the need for improved working methods and tripartite consultations. She noted that some sponsors of amendments had displayed a lack of flexibility on their positions. She noted there had been bipartite deals instead of tripartite consultations, and encouraged continued and transparent negotiations, that were inclusive. In addition, the Office should aim to prepare more concise draft texts to support consensus-building.

1023. The Chairperson acknowledged the hard work of the Committee during the discussion, diligently addressing technical and controversial issues and assured the Committee that all views and guidance provided during the deliberations would be taken into account in the preparations for the discussions the following year. The outcome of the rich deliberations would shape important instruments that would contribute to realizing decent work in the platform economy.