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Date: 30 July 2026

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

## Second discussion

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## Introduction

**1.** At its first sitting, the Committee elected its Officers and reporter as follows:

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| **Chairperson:** | Mr Colin Jordan (Government member, Barbados) |
| **Vice-Chairpersons:** | Ms Ewa Staworzynska (Employer member, United States of America)<br>Ms Amanda Brown (Worker member, United Kingdom of Great Britain and Northern Ireland) |
| **Reporter:** | Ms Valérie Berset Bircher (Government member, Switzerland) |

**2.** At its 13th sitting the Committee appointed the members of the Drafting Committee [1] as follows:

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| **Government members:** | Mr Ivann Liberatore (France)<br>Ms Lindizga Mtegha-Kawamba (Malawi)<br>Mr Omar Nacib Estefan Fuentes (Mexico) |
| **Employer members:** | Ms Marine Charpentier (United States of America)<br>Mr Andrés Nunes (Argentina)<br>Assisted by Mr Jason Pegat-Toquet (International Organisation of Employers (IOE)) |
| **Worker members:** | Ms Melissa Ansell-Bridges (New Zealand)<br>Ms Lucie Morpurgo (France)<br>Mr Fernando Rocha Sánchez (Spain)<br>Assisted by Ms Monica Tepfer (International Trade Union Confederation (ITUC)) |

**3.** The Committee held 26 sittings.

**4.** Upon his nomination, the Chairperson observed that the world of work was undergoing considerable change driven by technological innovation, globalization, climate change and demographic shifts, which offered new opportunities, but which also posed significant challenges for individuals, societies and economies. The platform economy had grown rapidly across countries and regions and had become part of the new normal for most economies.

**5.** He called on Committee members to work past their differences, embrace dialogue and compromise to reach consensus and a balanced outcome, fit for the future of work. Every effort should be made to make efficient use of scarce time and resources.

**6.** Following requests made by Committee members at the 113th Session (2025) of the International Labour Conference and comments received on the report entitled *Decent work in the platform economy* (the Brown report), [2] informal tripartite consultations had been held in Geneva on 28–30 April 2026. The consultations had allowed constituents to clarify their positions on the more contentious provisions of the draft instruments, covering fundamental principles and rights at work, the impact of the use of automated systems, the protection of digital platform workers' personal data and privacy, remuneration or payment, occupational safety and health (OSH), classification in respect of the existence of an employment

[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.

[2] ILC.114/Report V(3).

relationship, and the suspension or deactivation of account and termination of employment or engagement. Participants had identified areas of both convergence and divergence and had restated their intention not to reopen discussions on the four points adopted during the first discussion held in 2025, and which had become Articles 1, 2, 12 and 24 of the draft Convention. The informal consultation carried no binding implications for the formal standard-setting process and therefore the draft text contained in the report entitled *Realizing decent work in the platform economy: draft Convention and Recommendation* (the Blue report), remained unmodified. [3]

**7.** The representative of the Secretary-General noted that the draft instruments were momentous, and would make manifest the call in the ILO's Centenary Declaration to "harness the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfilment, and a just sharing of the benefits for all", [4] in a human-centred future of work.

**8.** The standard-setting process had begun in 2021 when, at its 341st Session (March 2021), the Governing Body had asked the Office to convene a tripartite meeting of experts on decent work in the platform economy in 2022. [5] Digital labour platforms based on automated systems had rapidly expanded, profoundly changing how work was organized and performed. Following the tripartite meeting of experts, the Governing Body had requested the Office to conduct a gap analysis, based on which it would decide the nature of the item to place on the agenda of the Conference. The analysis identified two types of gaps: those related to the scope of application of international labour standards to workers outside an employment relationship; and those related to the impact of automated systems on work and the protection of workers' personal data, which were not fully addressed in existing ILO standards. On that basis, at its 347th Session (March 2023), the Governing Body had decided to place on the agenda of the 113th Session of the Conference (2025) a standard-setting item on decent work in the platform economy for a double discussion.

**9.** She recalled the progress that had been achieved during the first discussion at the 113th Session. The ample responses to the Brown report indicated strong views and engagement, including broad support for a principle-based Convention that would provide adequate protection while allowing flexibility to accommodate different legal systems and national circumstances. In response to comments to the Brown report, the Office had revised the draft instruments to improve clarity, coherence and flexibility, while leaving implementation modalities to Member States. Against the backdrop of the growing importance of platform work and increasing demand for guidance in this area, the Committee's deliberations would further strengthen the draft instruments and contribute to establishing an effective framework for promoting decent work in the platform economy.

## Opening statements

**10.** The Employer Vice-Chairperson called for impartial and balanced leadership and committed to dialogue, collaboration and shared responsibility. The Employers' group preferred a Recommendation due to the complex nature of the subject matter but respected the results of the record vote carried out in the Committee during the first discussion. Their primary objective was to achieve a balanced and consensus-based outcome.

**11.** The platform economy represented an important source of work opportunities, income, inclusion and innovation in the modern world of work. Three guiding points were important

[3] ILC.114/Report V(4). See the list of the four reports prepared for this standard-setting item in paragraph 2 of this report.

[4] *ILO Centenary Declaration for the Future of Work* (2019), Part II(A)(ii).

[5] GB.341/PV, para. 50(c).

to achieve joint success: first, the standard had to be flexible and principle-based, allowing Member States to implement its provisions according to national practices, as the platform economy was highly diverse and localized. Second, the instruments had to preserve a clear distinction between labour laws and commercial laws, and between the rights and benefits of employees and independent contractors. While ensuring the due protection of workers in an employment relationship, the instruments should not interfere with genuine civil and commercial relationships. The autonomy of independent contractors, including the freedom to choose clients and work across platforms, should be preserved, as such flexibility was a valued choice, particularly for young people and workers with care responsibilities. Third, the instruments should promote the potential of the platform economy and protect digital labour platforms, notably micro, small and medium-sized enterprises (MSMEs), entrepreneurship and the creation of work opportunities. Excessive rigidity would affect smaller enterprises and limit opportunities for business and workers. Platforms enabled MSMEs to access new markets, connect with new customers and participate in the formal digital economy.

**12.** She noted several key issues. First, the Employers' group reaffirmed its strong commitment to the fundamental principles and rights at work, which were central to the ILO's mandate and to sustainable economic development. The instruments should not deviate from those principles, and thus the reference to collective bargaining for self-employed workers raised serious legal concerns. While she appreciated the streamlining of OSH into the draft instruments, certain OSH rights and obligations were linked to the existence of an employment relationship, which the instruments had to respect. Proposed Article 8 did not respect the diverse legal approaches Member States had taken to employment classification. The Employers' group would not accept any direct or indirect proposals for a presumption of employment. Proposed Article 9(3) on remuneration or payment did not sufficiently distinguish between employees and independent contractors, and directly contradicted the consensus of the Committee to develop a principle-based Convention. As drafted, proposed Article 14 would subject millions of automated decisions to human review and explanation and could not be operationalized. Forced disclosure of commercially sensitive information would conflict with an enabling environment for business. Proposed Article 13 shifted the obligation to respect, promote and realize the fundamental principles and rights of work onto enterprises, which was inconsistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (1998 Declaration). In the spirit of consensus, the Employers' group would not reopen the discussion on Article 12, despite pending concerns.

**13.** The Employer Vice-Chairperson noted three points to consider throughout the discussion: first, the eventual instruments would cover all digital labour platforms, across a range of sectors, making a principle-based Convention essential. Second, treating the platform economy as if it were a single sector risked creating regulations that were incoherent with those applicable to the rest of the economy. Third, recalling that the scope of the instruments had been agreed to include employees, independent contractors and, in some jurisdictions, third categories, she stressed that each provision should be examined carefully to determine whether it should apply to all workers or only employees, in order to ensure an outcome respectful of existing labour law regimes. She reiterated the Employers' group's commitment to genuine social dialogue and urged constituents to listen carefully, understand different realities, and work toward balanced solutions. No party should feel forced into agreement, and majority does not equal consensus on which the ILO is built. She also reiterated her group's commitment not to reopen the discussion of the texts agreed during the first discussion at the 2025 session of the Conference and support for instruments that were fair, balanced, adoptable, ratifiable, implementable and fit for the future of work.

**14.** The Worker Vice-Chairperson underlined that the instruments could extend protection to an estimated 400 million workers worldwide who lacked access to rights. Platform companies had argued that their business models were too new and complex to regulate; yet activities such as taxi services, food delivery, transcription and data analysis were not new. The primary innovation was the use of digital applications to organize work.

**15.** The draft instruments were intended not to regulate technology, intellectual property, digital infrastructure or artificial intelligence, but to regulate work and working conditions and ensure that platform workers had access to protection. The Workers' group did not intend to reopen the discussion of provisions agreed during the first discussion.

**16.** Digital platform workers faced long hours, low wages, late or unpaid wages, workplace accidents, and deactivation, while digital platforms earned record revenues and portrayed platform workers as benefiting from self-employment. Unlike self-employed workers who worked without the mediation of a digital application, platform workers could not negotiate rates or identify their clients, as algorithms determined remuneration and assigned work. Performance was evaluated through customer ratings and opaque automated metrics. Access to work could be terminated without notice, explanation or human review, and platform workers were required to accept predetermined terms and conditions to maintain access to the platform. Such conditions reflected subordination to an unaccountable authority rather than genuine self-employment.

**17.** The Worker Vice-Chairperson outlined several priorities. First, the Convention should affirm that digital platform workers were entitled to the fundamental principles and rights at work, which applied to all workers regardless of employment status. Second, employment status should be based on the facts of the relationship rather than its designation. Determining prices, imposing service standards, monitoring performance, allocating work algorithmically capacity to terminate access to work were characteristics of an employment relationship. Third, the Convention should recognize the OSH risks associated with platform work, such as fatigue, payment models, and lack of access to workers' compensation, and require platforms to bear OSH responsibilities regardless of classification. Fourth, it should establish the right to an adequate minimum level of pay and limits on working time. Concerns were raised regarding piece-rate systems, unpaid waiting time, high commission rates and algorithmic pay-setting practices that might result in unequal remuneration. The absence of limits on working time was also highlighted as a significant concern. Transparency in algorithmic management was critical. Workers and their representatives should have access to understandable information regarding how work is allocated, how pay is determined and how performance is assessed.

**18.** Digital labour platforms collected and used extensive personal data, including data on workers' behaviour, location and communications. Data collection should be limited to what was strictly necessary and processing relating to collective action, worker representation, health and activities outside working time should be prohibited. Decisions affecting workers' livelihoods should not be taken solely by automated systems. Workers should have the right to a human review and written explanation of such decisions. Deactivation without due process was equivalent to arbitrary dismissal. Digital platform workers should also have effective access to remedies. Barriers faced by platform workers included their classification status, limits on access to labour courts, mandatory arbitration clauses, high costs of litigation, lack of transparency in algorithmic systems and complex corporate structures

**19.** Recalling the ILO Constitution's commitment to addressing injustice, hardship and deprivation in labour conditions, the Worker Vice-Chairperson stated that the situation of platform workers fell squarely within the Organization's mandate. The draft Convention and Recommendation offered an opportunity to extend international labour standards to workers not adequately protected by existing legal frameworks.

**20.** The Government member of Namibia, speaking on behalf of the Africa group, [6] regretted that the Committee had made limited progress towards consensus during the first discussion in 2025. She supported the adoption of a Convention supplemented by a Recommendation, combining binding obligations with practical guidance. The objective of the second discussion was to finalize a robust, implementable and principle-based Convention that would contribute to the realization of decent work in the platform economy. The adoption of the instruments was urgent to keep apace with the growth of the industry, and was essential to address protection gaps, support pathways to formalization, promote fairness and safeguard the dignity of platform workers.

**21.** The inclusion of the fundamental principles and rights at work in the instruments was indispensable to prevent exploitation, ensure fair remuneration, promote equality, and guarantee basic human dignity. They were universal and applied to all workers in the platform economy, as in all other sectors.

**22.** She expressed support for proposed provisions on the classification of the employment relationship. Employment status constituted the gateway to labour rights. Decent work in the platform economy could not be achieved without clear rules in national law to prevent misclassification and disguised self-employment. Classification was essential to protecting workers, ensuring fair competition and preventing the misuse of innovation to evade compliance with labour standards.

**23.** She also expressed support for provisions on transparency, human oversight and due process in relation to automated systems. Workers should be informed about how decisions affecting them were made and should be able to challenge such decisions. Human oversight was essential to prevent arbitrary or discriminatory outcomes, and such safeguards were important to ensure fairness, accountability and trust in the platform economy.

**24.** She called on Committee members to approach the negotiations with flexibility, good faith and a shared commitment to social justice, noting the importance of concluding the Committee's work during the current session, since platform workers, particularly young people, women and workers in the informal economy, required timely protection. The rapid expansion of the platform economy was transforming the world of work and required urgent and decisive action. She called for a strong, comprehensive, balanced and forward-looking Convention and Recommendation on decent work in the platform economy.

**25.** The Government member of Cyprus, speaking on behalf of the European Union (EU) and its Member States, stated that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Iceland, Norway and Armenia aligned themselves with his statement. The platform economy offered employment opportunities, particularly for persons facing barriers to labour market entry, while also requiring the application of decent work standards. He supported the adoption of a Convention supplemented by a Recommendation to protect platform workers, regardless of their employment status. Fundamental principles and rights at work were prerequisites for ensuring decent work for all platform workers. The Convention should provide sufficient flexibility for implementation in different national contexts. Correct classification of platform workers should be clearly reflected in the instrument, without presuming any particular employment status, and requiring Member States to take measures to ensure that workers were correctly classified. Automated systems were a defining feature of platform work, creating opportunities and risks. Human oversight and review of significant

[6] 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.

decisions affecting workers, information regarding the use of automated systems and robust safeguards for the protection of personal data were essential.

**26.** The Government member of Mexico, speaking also on behalf of the Government members of Belize, Brazil, Guatemala and Uruguay, considered that the discussion on agreements reached during the first discussion should not be reopened. The shared understanding was that the instruments applied to digital labour platforms that organized, assigned or managed work, while entities performing purely intermediary functions fell outside of its scope. He supported the development of a principle-based Convention that allowed for sufficient flexibility in implementation across diverse legal systems and levels of development. The instruments should reflect commitments contained in the ILO Centenary Declaration for the Future of Work. He would support textual simplifications, provided that substantive obligations were preserved. The instruments should ensure effective protection for all platform workers, considering the realities of the work performed and the responsibilities of platforms.

**27.** The Government member of Sweden, speaking on behalf of the Nordic countries, aligned with the statement of the EU and its Member States. A Convention on decent work in the platform economy was timely and relevant. While the platform economy had created new business opportunities and offered flexibility for some workers, it had also created challenges in ensuring decent work for platform workers. Consensus had been reached on the type of instruments, their scope and several key provisions, while some issues remained to be resolved. The instruments should ensure effective rights and protection for platform workers and address the risks of misclassification, while not presuming any particular employment status and requiring Member States to take measures to ensure that platform workers were correctly classified. At the same time, legal certainty and respect for national frameworks and practices were essential, with regard not only to the negotiation of wages and working conditions, but also to the protection of genuine self-employment and the right to carry out independent business activities, enter into civil or commercial contracts or to operate businesses on one’s own account.

**28.** The Government member of Grenada, speaking on behalf of the Caribbean Community (CARICOM) countries, supported the adoption of a Convention supplemented by a Recommendation. While the platform economy expanded opportunities for labour market participation, particularly for persons facing barriers to traditional employment, it also raised challenges relating to employment relationships, income insecurity, limited access to social protection, gaps in OSH protections and difficulties in obtaining fair and effective remedies. Any international standard should reinforce fundamental principles and rights at work while balancing worker protection with the platform economy’s potential to contribute to job creation and economic resilience. The Convention should be principle-based and sufficiently flexible to allow implementation in accordance with national circumstances and institutional capacities. Accurate classification of employment relationships, the extension of social protection, greater transparency and due process in algorithmic management, and accessible dispute resolution mechanisms were crucial to preventing the platform economy from becoming a pathway to informality and insecurity.

**29.** The Government member of Oman, speaking on behalf of the Gulf Cooperation Council (GCC) countries, noted that the first discussion had highlighted the complexity of the issues and of employment arrangements in the platform economy. Civil and commercial relationships should be excluded from the scope of the Convention, which should be limited to employment relationships. The interests of both workers and employers in the platform economy should be considered. He supported a comprehensive and principle-based Convention capable of adapting to future developments.

**30.** The Government member of the United Kingdom of Great Britain and Northern Ireland supported a Convention supplemented by a Recommendation. The platform economy continued to grow and remained diverse, with some workers in employment relationships, some operating their own businesses, or somewhere in between. Some protections required flexible application, while others warranted universal application. Platform work could provide flexible earning opportunities and pathways to formalization, but it was important to ensure platform workers were adequately protected. The instruments should balance worker protection with flexibility for implementation within existing national labour law frameworks.

**31.** The Government member of Ecuador considered that decent work in the platform economy was both a challenge and an opportunity to accelerate formalization, particularly in countries with high levels of informality and unemployment. She supported the adoption of a principle-based Convention supplemented by a Recommendation. Article 10 should ensure that classification did not interfere with genuine civil and commercial relationships or lead to automatic reclassification, while preserving the authority of Member States to determine employment relationships in accordance with national legislation. Fundamental rights should be guaranteed irrespective of workers' employment status. The instruments should contain provisions on automated systems, including algorithmic transparency, the right to an explanation and human review of automated decisions affecting workers. Obligations relating to automated systems should be coordinated with existing national data protection frameworks to avoid duplication or inconsistencies. Simplifying the registration of digital labour platforms and independent workers operating through them would promote an enabling environment for digital labour platforms.

**32.** The Government member of the United States of America approached the negotiations with a clear objective: an outcome that would be meaningful, balanced and durable, capable of actual adoption and broad ratification. Consensus reached during the first discussion on the form of the instrument, definitions, scope and the framework provision on automated systems, namely Article 12, should not be reopened. He advanced three principles. First, the Convention must be high-level, principle-based, and flexible. Member States must retain flexibility to implement it consistent with national law and circumstances. Second, the instruments must stand the test of time, and that called for the drafters to act with temperance. Article 12 of the draft Convention provided sufficient direction on automated decision-making by laying out a workable pre-engagement disclosure obligation, and nothing further belonged in the instrument. Articles 13 and 14 were unworkable, and any additional language on algorithmic management must not appear in a binding Convention. Third, justice for platform workers required treating each as they actually are. The instruments must not presume that every digital platform worker was, or ought to be, an employee. Millions chose independent contracting deliberately for the flexibility, autonomy and entrepreneurial opportunities it provided. To treat them as employees would strip away the opportunities that platforms created worldwide. Misclassification was a real problem that must be addressed without infringing genuine commercial relationships. Finally, he recalled that the instruments should be adopted with a supermajority to achieve widespread ratification and effective implementation. His Government was committed to negotiate constructively and in good faith.

**33.** The Government member of Namibia supported a Convention on decent work in the platform economy and welcomed the inclusion of fundamental principles and rights at work. Workers in the platform economy should have legal protections and labour rights comparable to those of workers in traditional employment. The platform economy was an attractive source of employment for youth that was in need of labour protection. Continuous training was needed to address skills gaps and enable platform workers to benefit from opportunities in the platform economy. While recognizing the efficiency of algorithms, mechanisms should be established to ensure the fair distribution of work and the protection of workers' rights. In-country dispute resolution was supported, and national laws governing dispute resolution should be respected. The importance of personal data protection was highlighted, including limiting the use of personal data to the purposes for which it was collected.

**34.** The Government member of Argentina considered that the debate on platform work should be approached in a balanced manner, promoting growth and innovation while ensuring decent working conditions and appropriate protection. Any international instrument should recognize the diversity of digital platforms and respect the sovereignty of Member States to determine the legal nature of the relationship between the parties. Platform workers should have access to adequate protection, considering different forms of service provision and employment status under national legislation. Automatic presumptions of employment, the creation of new employment categories and the treatment of self-employment as equivalent to dependent employment should be avoided. He supported transparency requirements regarding automated systems and algorithmic management. Regulation should balance transparency and protection against arbitrary decisions with the protection of trade secrets and avoid requirements that could hinder technological development or the operation of digital platforms.

**35.** The Government member of Canada welcomed the Committee's intention to exclude from the scope of the Convention and Recommendation platforms that merely provided venues for intermediation and facilitated connections between clients and workers. The draft instruments were balanced and responsive to the Committee's desire for principle-based standards. Addressing misclassification was essential to provide protection for platform workers while supporting fair competition. The use of automated systems and their impact on working conditions was central and a balanced approach that protected workers without hindering innovation was achievable. The discussion of agreed provisions should not be reopened.

**36.** The Government member of Mozambique noted that the platform economy had created important employment opportunities for youth but had also exposed workers to risks due to inadequate regulation. Many platform workers lacked protection regarding minimum wages, working time, job security, and social security. The adoption of a Convention on decent work in the platform economy was necessary to regulate the rapidly growing sector. The draft Convention identified three actors, digital labour platforms, digital platform workers, and intermediaries, but it did not define the roles and responsibilities of intermediaries, even though they were a major source of labour disputes. The Convention should clarify responsibilities of intermediaries and ensure that workers are adequately protected.

**37.** The Government member of Switzerland supported provisions ensuring platform workers received protection equivalent to that of other workers with the same status, while taking account of the sector's specific characteristics and evolving business models. The informal tripartite consultations held in April had helped narrow remaining differences and the discussion of provisions agreed during the first discussion should not be reopened. Adopting a Convention and Recommendation that balanced protection, flexibility and sector-specific considerations was essential to contribute to greater predictability and stability in evolving labour relations.

**38.** The Government member of Nepal highlighted the transformative impact of digital platforms, algorithmic systems, and artificial intelligence on the world of work, noting that digital platforms were increasingly becoming workplaces, in both location-specific and online settings. Fundamental principles and rights at work must be promoted and protected for all workers, whether formal or informal, national or cross-border, or in the platform economy, as labour rights were universal human rights. It was necessary to ensure safe and decent working conditions in digital labour platforms.

**39.** The Government member of the Philippines supported ensuring platform workers' access to social protection, fair and transparent payment systems, remedies against suspension or deactivation, and participation in social dialogue. Differences remained regarding employment classification and responsibility for social contributions and benefits. She supported a Convention supplemented by a Recommendation, combining binding principles with flexibility for implementation in different national contexts. Provisions on access to remedies, the extension of social protection, greater transparency and accountability in algorithmic management, and the role of social dialogue in shaping the regulation of the platform economy were particularly important.

**40.** The Government member of Côte d'Ivoire stressed the need for concise instruments that would determine responsibilities without ambiguity and ensure adequate flexibility in its application across countries without slowing the pace of growth of the platform economy. Given the ILO's mandate to align social progress to technical progress, the delivery of a balanced Convention to be applied to the latest technological development, the algorithm, would effectively protect workers while promoting employment, thus adhering to the principle of decent work.

**41.** The Government member of New Zealand emphasized the need for standards that were sufficiently flexible to accommodate different national circumstances, legal frameworks, and labour market realities while remaining adaptable to future technological developments. A fit-for-the-future standard should remain within the ILO's core mandate, establish clear, fair, and practical criteria for determining employment relationships and ensure appropriate rights and protections for workers while preserving innovation and flexibility.

**42.** The Government member of Türkiye acknowledged the contribution associated with the rapid expansion of digital platforms as a source of economic activity and jobs for millions of people. Such gains had been accompanied by certain disadvantages for workers that warranted the development of an international Convention and Recommendation. To ensure consensus and facilitate widespread ratification, he hoped that the discussion of none of the Articles agreed upon at the previous session would be reopened and that national contexts would be taken into consideration in the instrument, particularly in addressing the employment status of platform workers.

**43.** The Government member of Australia appreciated the balance shown in the Office text in setting clear obligations for the meaningful protections of workers while enabling the continued development and innovation of the platform economy and showing flexibility to reflect national implementation. To address international normative gaps and ensure appropriate protection for all digital platform workers, he expressed support for stronger provisions relating to the pay of independent contractors and the inclusion of appropriate text on the operationalization of the platform economy, including through its automated systems.

**44.** The Government member of Japan expressed support for the development of a new international standard to protect workers in the platform economy that would be principle-based and provide sufficient flexibility to facilitate effective national implementation. The instruments should recognize that working arrangements and institutional frameworks differed significantly across countries. Recognizing the important role that advanced technologies played in the global economy, a balanced approach should ensure adequate protection for platform workers without hindering innovation or economic development. While some job boards assisted with administrative processes to facilitate job matching, such platforms, which did not intervene in decisions on work content or working conditions, fell outside the scope of the draft standard.

**45.** The Government member of India noted the value of the platform economy as a driver of economic growth, innovation and employment generation, including for young people and first-time workers. India had undertaken important legislative and policy initiatives to protect platform workers, including by extending social security coverage to them. To facilitate the implementation across countries with diverse legal systems, labour market structures and levels of development, the instruments should be balanced and principle-based. They should effectively protect workers while preserving innovation, dynamism and the continued growth of MSMEs and start-ups operating in the platform economy.

**46.** The Government member of Indonesia recognized the opportunities that digital platforms have brought for employment, income generation and innovation but also the associated risks for workers linked to issues of employment status, fair remuneration, social protection, OSH and the use of algorithmic management. He underlined the importance of preserving sufficient flexibility in the instrument under discussion to enable the progressive implementation of decent work standards in the digital platforms in accordance with national contexts.

**47.** The Government member of the Islamic Republic of Iran recognized the growing importance of the digital economy as a source of jobs and growth and pointed to recent national legislative measures taken in the country to protect platform workers. He expressed support for the draft Convention and Recommendation and their provisions relating to insurance coverage, OSH, the right to organize and algorithmic transparency. He welcomed an instrument that would offer greater flexibility and amendments to key provisions including the definition of platform workers in accordance with national laws and regulations in Article 1, clarification on elements of wage remuneration under Article 1(d), and on issues of wage disclosure in Articles 10, 16 and 20.

**48.** The Government member of Senegal acknowledged the collective will to equip constituents with an instrument that was both binding and flexible. A principle-based instrument would ensure respect for the fundamental principles and rights at work while respecting national legislation and the role of judicial bodies in the determination of employment status of platform workers and their occupational safety and health, remuneration and collective bargaining rights.

**49.** The Government member of China outlined several measures undertaken at the national level to strengthen the institutional frameworks, including public services, in support of decent work promotion for platform workers. A series of policy documents aimed to extend labour protections to workers in new forms of employment, including specific groups such as delivery workers, enhance the transparency of platform algorithms, improve dispute resolution mechanisms and more. She looked forward to a constructive discussion to promote decent work for platform workers and advancing the standard-setting process.

**50.** The Government member of Malawi affirmed the obligation of governments to provide a protective work environment for all workers and looked forward to a flexible and principle-based standard.

**51.** The Government member of Zimbabwe supported a Convention and Recommendation that would bring clarity to the classification of platform workers and on the respective obligations for their protection. The inclusion of fundamental principles and rights at work was essential, including in relation to transparent dispute resolution systems and the incorporation of human review in algorithm-driven decisions. Also important would be the development of flexible and principle-based approaches responsive to African labour market realities, including informality and institutional capacity.

**52.** The Government member of Chile stated that the Convention should be based on sufficiently flexible principles capable of adapting to national realities and the rapid changes of production. The experience in Chile in formalizing thousands of digital platform workers could be taken as a useful example in how national regulations can protect platform workers without impinging on the unique value of platforms. The instruments should recognize both autonomous and dependent work, reflect the diversity of situations existing in practice and provide an appropriate framework for the protection of rights and the development of economic opportunities.

**53.** The Government member of Kiribati supported a Convention and Recommendation to ensure platform worker access to decent work amid the growth of digital work. The Convention should remain sufficiently flexible to facilitate effective implementation and accommodate diverse national circumstances, considering the unique challenges faced by small island developing States and least developed countries.

**54.** The representative of the Holy See encouraged the discussion to focus on the inherent dignity of the human person and the dignity of work. To offset the risks of dependency, exclusion and inequality that he associated with the concentrated control of mainstream artificial intelligence models, he called for cooperation to work toward the common good. [7] The power to grant, limit, or discontinue access to work could rest entirely with the platform, leading workers to pay to access jobs, contradicting the fundamental principle that labour is not a commodity.

**55.** The representative of the World Employment Confederation called for a flexible and principle-based instrument that would recognize the diversity of platforms and avoid prescriptive requirements that would put the potential of the platform economy to create jobs at risk. The instruments should ensure rights and benefits to those so entitled, without presumption of an employment relationship and clearly distinguishing between employees and self-employed workers.

**56.** The representative of Business Africa called for a balanced and practical regulatory framework that would protect workers without undermining innovation, investment and job creation in a rapidly evolving sector. Regulations should clearly distinguish between self-employment and traditional employment. Overly prescriptive obligations should be avoided because they would increase operational costs for small businesses. Social security systems should be portable across platforms. He supported a principle-based approach allowing flexibility to adapt standards to national realities and labour market conditions.

**57.** The representative of the Global Union Federation, speaking on behalf of the International Transport Workers' Federation (ITF), the International Domestic Workers Federation (IDWF), the International Federation of Journalists (IFJ), IndustriALL, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), Building and Wood Workers' International (BWI), Education International (EI), Public Services International (PSI), and UniGlobal, supported a Convention and Recommendation as a historic opportunity to ensure that technological innovation would be matched by the strongest possible enforceable protections for workers. The instrument should prevent disguised employment relationships, guarantee fundamental rights including OSH, ensure fair pay and protection from the charging of unfair fees and costs to workers, and guarantee protection from discrimination and violence and harassment at work. The instruments should also establish transparency and accountability regarding automated systems and algorithmic management.

**58.** The representative of the Institution of Occupational Safety and Health (IOSH) highlighted the OSH risks associated with platform work, including long working hours and psychosocial risks. A strong international standard would help to ensure clear and enforceable OSH laws supported by robust systems of inspection and providing access to complaints mechanisms,

[7] Encyclical Letter "Magnifica Humanitas" of His Holiness Pope Leo XIV, paras 95 and 72.

comprehensive employment injury protection, and impact assessments to identify and address risks prior to the deployment of algorithmic systems.

**59.** The representative of the International Young Christian Workers (IYCW) highlighted the precarious conditions faced by many young platform workers, including income insecurity, inadequate social protection and safety risks associated with algorithmic management. While platforms could provide access to work, decent work in the platform economy required stable remuneration, social protection and safe working conditions.

**60.** The representative of the Asia Pacific Forum on Women, Law and Development (APWLD) highlighted the challenges faced by women platform workers. The flexibility associated with platform work did not outweigh its risks of income insecurity, inadequate social protection, and exposure to occupational and gender-based challenges among women platform workers. The interaction between platform work and unpaid care responsibilities remained largely unrecognized. Stronger protections and structural measures were needed to address the exploitation and invisibilities of women's labour in the platform economy.

**61.** The representative of the Scalabrini International Migration Network (SIMN) highlighted the precarious working conditions, limited access to social protection and discrimination faced by migrant workers in the platform economy. He supported a principle-based framework ensuring access to social protection, transparency and accountability in the use of automated systems, with all protections provided regardless of migration status.

**62.** The Employer Vice-Chairperson welcomed the broad support expressed for a principle-based and flexible instrument and emphasized the importance to preserve text agreed during the first discussion. The distinction between labour law and commercial law and between platform work and broader issues relating to independent work must be respected. She appreciated the support expressed for a future-proof standard that could accommodate different national contexts and maximize the benefits of the platform economy. Achieving an outcome supported by all three groups would ensure the legitimacy and effective implementation of the instrument.

**63.** The Worker Vice-Chairperson welcomed the broad commitment to a Convention and Recommendation that addressed risks associated with platform work, including the protection of workers' rights, transparency in algorithmic management, protection of personal data and privacy, measures to combat misclassification, access to remedies and pathways to formalization, while ensuring the instruments were adaptable to different legal systems. She noted the need to maintain a broad definition covering digital labour platforms that employ or engage workers, while excluding platforms that facilitated connections between clients and workers.

## Consideration of the draft Convention [8]

### Preamble

#### Preambular paragraph 1

A.23

**64.** The Employer Vice-Chairperson introduced an amendment to replace "are significantly transforming the world of work" with "have increased opportunities for job creation, earnings

[8] The text of the draft Convention can be found in pages 104–110 of ILC.114/Report V(4). All amendments can be found on the Committee's web page.

and market access across sectors" to rebalance the Preamble and add clarity on the concrete contributions associated with the platform economy.

**65.** The Worker Vice-Chairperson did not support the amendment, finding its intention would change the balance unnecessarily as similar statements were present in later paragraphs of the Preamble. While the platform economy had created employment, the quality of that employment tended to be precarious, with lower earning potential compared to other sectors. She proposed a subamendment to change the added text to "have provided opportunities for employment creation and are significantly transforming the world of work" and to reinsert the deleted text.

**66.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Colombia, the Dominican Republic, the Islamic Republic of Iran, Mexico and Uruguay, did not support the amendment.

**67.** The Government member of the United States requested that reference to the opportunities that digital platforms bring to entrepreneurship be reinserted if the subamendment were to be supported.

**68.** The Worker Vice-Chairperson withdrew the subamendment and the Employer Vice-Chairperson withdrew the amendment, with the hope that the Committee would find other places in the Preamble to rebalance the text.

**69.** Preambular paragraph 1 was adopted without amendment.

### Preambular paragraph 2

A.24

**70.** The Employer Vice-Chairperson introduced an amendment to add the phrase "offered new pathways for the formalization of work" after the word "development" as recognition of the contribution that digital platforms make to reducing informality. For many workers around the world, especially in developing countries, the platform economy was their first access to a digital identity which allowed them to participate in social protection systems.

**71.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Argentina, Chile and Indonesia supported the amendment.

**72.** The Government member of the Islamic Republic of Iran proposed a subamendment, seconded by the Employer Vice-Chairperson, to replace the word "offered" with the word "opened". The Government members of Namibia, speaking on behalf of the Africa group; Colombia, Indonesia, Mexico and Uzbekistan supported the subamendment.

**73.** The Worker Vice-Chairperson supported the subamendment.

**74.** The amendment was adopted as subamended.

A.25

**75.** The Employer Vice-Chairperson introduced an amendment to add "in economies of all development stages" to the end of the paragraph to emphasize the positive contributions of the platform economy to countries of all development stages.

**76.** The Worker Vice-Chairperson did not support the amendment and mentioned that the sentiment would be covered in an upcoming government amendment.

**77.** The Government members of Brazil, France and Mexico noted that the Spanish and French versions of the amendment were akin to "regardless of their level of development", which they felt had a different meaning.

**78.** The Government member of Mali proposed a subamendment, seconded by the Government member of Cameroon, to replace the word “stages” with the word “levels” to ease translation. The Government members of Argentina and Chad supported the subamendment.

**79.** The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Canada, Colombia, El Salvador, Mexico, Türkiye, and Uzbekistan, and the Worker Vice-Chairperson did not support the amendment or subamendment.

**80.** The subamendment and the amendment were withdrawn and preambular paragraph 2 was adopted as amended.

### Proposals to insert new preambular paragraphs after paragraph 2

A.34

**81.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to insert the following texts after the preambular paragraph 2 in order to clarify the role of automated systems and digital labour platforms in matching the demand for services with the supply of work:

> Recognizing that digital platform work constitutes a new form of non-standard work, insofar as the organization and/or facilitation of work – characterized by the use of automated systems – plays a major role in matching the demand for the service with the supply of work by an individual who has a contractual relationship with the digital labour platform or an intermediary,
>
> Noting that the use of automated systems in the organization or facilitation of work is a key feature of digital labour platforms,

**82.** The Worker Vice-Chairperson proposed a subamendment that would replace “non-standard” with “digitally mediated” to clarify that the distinguishing feature of platform work was the use of automated systems rather than the nature of the work itself.

**83.** The Employer Vice-Chairperson sought further clarity on the reasoning behind the amendment, which appeared to restate the definition contained in Article 1. She would consult with the Employers’ group regarding the subamendment.

**84.** A further subamendment of the Government member of Singapore was not seconded and therefore not considered.

**85.** The Government member of Indonesia did not support the amendment. The formulation was overly prescriptive and could prejudice national discussions on the classification and nature of digital platform work. A more flexible formulation would better accommodate different national contexts and regulatory approaches.

**86.** The Government member of Australia noted confusion regarding the purpose of the amendment and sought clarifications from its proponent. The Preamble should provide context, and the existing text already fulfilled that function.

**87.** The Government members of Namibia, speaking on behalf of the Africa group; and Uzbekistan did not support the amendment.

**88.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions having taken into account the views of government members, the amendment was not adopted.

**89.** Another amendment (A.54) was withdrawn.

## Preambular paragraph 3

A.26

**90.** The Employer Vice-Chairperson introduced an amendment to replace “existing decent work deficits and challenges” with “importance of workers’ rights and protections”. Attributing decent work deficits in the platform economy to the use of technology was misleading.

**91.** The Worker Vice-Chairperson did not support the amendment. Decent work deficits and challenges were the basis for the standard-setting discussion. Moreover, the *Manual for drafting ILO instruments* required the Preamble to clarify the context and circumstances of the instrument.

**92.** The Government member of Brazil, seconded by the Government members of China and New Zealand, introduced a subamendment to delete “deficits and”, so that the text would read “existing decent work challenges” to address the concerns of the Employers’ and Workers’ groups.

**93.** The Government members of Canada and Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and subamendment. The Office text highlighted the key challenges and features of platform work.

**94.** The Employer Vice-Chairperson supported the subamendment, provided that her group’s amendment (A.27) to delete “relating notably to the impact of the use of automated systems on the working conditions of digital platform workers or their access to work” was also adopted.

**95.** The Government members of Indonesia and Mexico supported the subamendment. It balanced the text and reflected the challenges of platform work.

**96.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; and Uzbekistan did not support the amendment.

**97.** The Worker Vice-Chairperson did not support the subamendment.

**98.** The Government member of Brazil withdrew the subamendment.

**99.** The Government member of the United States supported the amendment as special attention to deficits was unnecessary.

**100.** The Government member of Australia did not support the amendment. The Preamble should acknowledge the existence and risk of decent work deficits and challenges in the platform economy. Recognizing those issues did not detract from the benefits of the platform economy and ensured a balanced text.

**101.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Mexico did not support the amendment as preambular paragraph 2 already referred to the benefits of the platform economy.

**102.** The Government member of Argentina supported the amendment. A preambular paragraph should provide context and omitting the reference to workers’ rights would be unfortunate.

**103.** The Government member of Chile supported the amendment, considering that it would be preferable to refer to rights and protection rather than a negative reference to deficits and challenges.

**104.** The Employer Vice-Chairperson cautioned against demonizing technology or business.

A.27

**105.** The Employer Vice-Chairperson introduced an amendment to delete “relating notably to the impact of the use of automated systems on the working conditions of digital platform workers or their access to work”. Automated decision-making systems enabled efficiency, accuracy and safety and were not unique to digital platforms. The Preamble should not be overly negative or misrepresent reality.

**106.** The Worker Vice-Chairperson did not support the amendment and noted that the ILO normative gap analysis had recognized the impact of automated systems on working conditions, particularly where there were gaps in protection.

**107.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Mexico; and Uzbekistan did not support the amendment.

**108.** The Government member of Argentina supported the amendment.

**109.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read: “Recognizing existing decent work deficits in the platform economy,”.

**110.** Amendment A.26 was adopted as subamended, A.27 fell and the third preambular paragraph was adopted as amended.

**111.** An amendment submitted by the Government member of Mexico to add a new paragraph after preambular paragraph 3 (A.53) was not seconded, and therefore not considered.

### Preambular paragraph 4

A.28

**112.** The Employer Vice-Chairperson introduced an amendment to revise preambular paragraph 4 to read: “Observing that technology enables digital labour platforms to operate within and across borders, to connect clients, workers and platforms,”. Operation across countries and jurisdictions was not unique to the platform economy, but technology did enable it.

**113.** The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Argentina, Brazil, Canada, Indonesia, and Mexico did not support the amendment.

**114.** The amendment was withdrawn and preambular paragraph 4 was adopted without amendment.

### Preambular paragraph 5

A.29

**115.** The Employer Vice-Chairperson introduced an amendment to delete preambular paragraph 5. She asked the Secretariat to clarify what was meant by the “specificities of work via digital labour platforms”, whether the paragraph implied that additional standards beyond those under discussion would be needed, and whether similar language appeared in other international labour standards.

**116.** The representative of the Secretary-General said that the reference to “specific standards” in the paragraph referred to the Convention and Recommendation under discussion, while “other international labour standards” referred to existing instruments. Similar formulations were used in other ILO instruments, including the Domestic Workers Convention, 2011 (No. 189), recognizing the need to complement general standards with specific provisions for particular forms of work. “Specificities of work via digital platforms” referred to work carried out through digital technologies, including automated systems enabling large-scale data processing, rapid communication among multiple actors and real-time decision-making. Such systems could also be used to monitor performance and make decisions affecting contractual relations. While similar elements existed in traditional contexts, their scale, intensity and application in platform work created distinct challenges and opportunities, particularly for regulation.

**117.** The Worker Vice-Chairperson did not support the amendment as it was essential to acknowledge that platform work presented unique characteristics that required targeted regulation alongside international labour standards.

**118.** The Government members of Australia, Grenada, speaking on behalf of the CARICOM countries, and Mexico did not support the amendment. The paragraph provided important justification for specific standards addressing the platform economy.

**119.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**120.** The Employer Vice-Chairperson introduced a subamendment to insert the word "these" before "specific standards" to clarify that the reference was to the instruments under discussion.

**121.** The Worker Vice-Chairperson did not support the subamendment.

**122.** The Government members of Australia, and Namibia, speaking on behalf of the Africa group, did not support the subamendment.

**123.** The Government member of Argentina supported the subamendment.

**124.** The Employer Vice-Chairperson withdrew the amendment on the understanding that the terms "specific standards" referred only to the standards under discussion, as explained by the Secretariat.

**125.** Preambular paragraph 5 was adopted without amendment.

### New preambular paragraphs after paragraph 5

A.30

**126.** The Employer Vice-Chairperson introduced an amendment to insert, after preambular paragraph 5, a new paragraph reading: "Recognizing the importance of respecting freedom of enterprise, including for self-employed persons operating through the platform economy, in accordance with national law and practice,". While recognizing the importance of workers' rights, it was also important to respect freedom of enterprise, as most platform workers were self-employed.

**127.** The Worker Vice-Chairperson did not support the amendment. Not all platform workers were self-employed. Many were self-employed due to misclassification, not by choice, which was a major source of decent work deficits.

**128.** The Government member of the United States supported the amendment as it recognized self-employed workers in the platform economy.

**129.** The Government member of the Niger requested clarification on the concept of freedom of enterprise.

**130.** The Government member of Kiribati supported the amendment, emphasizing that discussions on the digital economy should consider not only workers' rights but also the differing capacities of countries, particularly small island developing States, which could be significantly affected by changes in the digital economy.

**131.** The Government member of Canada did not support the amendment. It went beyond the Committee's mandate, which was to address regulatory gaps affecting working conditions in the platform economy.

**132.** The Government member of Argentina supported the amendment, as it was important that the Preamble capture the fact that platform workers enjoyed freedom of enterprise.

**133.** The Government members of Mexico, Namibia, speaking on behalf of the Africa group; and the Niger, did not support the amendment. It went beyond the scope of the instrument, and while freedom of enterprise should be respected, not all digital platform workers were self-employed.

**134.** The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment, favouring a balanced approach that recognized both opportunities and protections. Advancing decent work was the main subject of the Preamble, rather than economic activities.

**135.** The Government member of Cyprus, speaking on behalf of the EU Member States, introduced a subamendment to delete "in accordance with national law and practice".

**136.** The Government members of Chile and Switzerland supported the amendment as subamended. The Government member of Chile specified that "workers" included genuine self-employed workers, and that digital platforms provided opportunities for persons who chose to be self-employed.

**137.** The Government member of Kiribati did not support the subamendment.

**138.** The Government member of Uruguay did not support the amendment. The rights provided under labour standards should apply irrespective of contractual status and did not undermine freedom of enterprise. The rights of self-employed workers were already reflected in Article 1, concerning the definition of "worker", and in Article 2 on the scope of application.

**139.** The Employer Vice-Chairperson noted that the concept of freedom of enterprise encompassed aspects such as the ability to establish and operate a business within an enabling business environment. The realization of decent work depended on the existence of viable enterprises.

**140.** The Government member of Ecuador supported the amendment provided that its purpose was to ensure respect for the diversity of employment arrangements and economic activities carried out through platforms.

**141.** The Government member of Malawi did not support the amendment and noted that "an enabling environment for sustainable enterprises" was more common terminology than "freedom of enterprise".

**142.** The Government member of the United States explained that freedom of enterprise in that context referred to the ability of individuals to determine their own economic activities, while the concept of sustainable enterprises might not fully capture their situation.

**143.** The Government member of the Niger noted that including the concept in the Preamble could create ambiguity in interpretation and concepts such as sustainable enterprises might be addressed elsewhere.

**144.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions having taken into account the views of government members, the amendment was not adopted.

A.31

**145.** The Employer Vice-Chairperson introduced an amendment to insert, after preambular paragraph 5, a new paragraph that would read:

> Acknowledging the need to support the development of new and existing digital labour platforms, and micro, small and medium-sized enterprises in particular, through incentives and an enabling environment for sustainable enterprises, and emphasizing the need to promote fair business competition among all enterprises,

**146.** The platform economy had a unique role in creating accessible work opportunities, innovation, entrepreneurship, business development, and formalization, especially for MSMEs who were the source of much demand for platform work. Promoting an enabling environment for digital platforms to emerge and thrive should be a priority.

**147.** The Worker Vice-Chairperson did not support the amendment and was particularly uncomfortable with the word "incentives". The reference to the enabling environment for sustainable enterprises should correctly reflect the Conclusions concerning the promotion of sustainable enterprises (2007).

**148.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**149.** The Government members of Oman, speaking on behalf of the GCC countries; Brazil, Indonesia, the United States and Uzbekistan supported the amendment.

**150.** The Government member of Colombia did not support the amendment. The mandate of the ILO was to promote social justice and decent work; promoting fair competition between enterprises fell outside its scope.

**151.** The Worker Vice-Chairperson introduced a subamendment to reflect more closely the Conclusions concerning the promotion of sustainable enterprises by deleting the phrases "need to support the development of new and existing", "in particular through incentives", "and emphasizing the need to promote fair business competition among all enterprises," and to introduce the phrases "the role of", " and the need to support", and "that respects the values and principles of decent work" for the text to read: "Acknowledging the role of digital labour platforms, and micro, small and medium-sized enterprises and the need to support an enabling environment for sustainable enterprises that respect the values and principles of decent work."

**152.** The Employer Vice-Chairperson introduced a further subamendment to replace "that respects the values and principles of decent work" with "and to promote fair business competition among all enterprises", as the Worker Vice-Chairperson's subamendment changed substantially the intended meaning.

**153.** The Worker Vice-Chairperson, and the Government member of Brazil supported the Employers' group's subamendment.

**154.** The Government member of Canada noted that the phrase "decent work deficits" should be retained to maintain balance.

**155.** The Government member of India, seconded by the Employer Vice-Chairperson, suggested replacing the phrase "to promote" with "promotion of".

**156.** The Worker Vice-Chairperson specified that she agreed to the deletion of "that respects the values and principles of decent work" on the understanding that decent work was inherent to the concept of sustainable enterprises.

**157.** The Government member of Namibia, speaking on behalf of the Africa group, proposed to delete "among all enterprises".

**158.** The Government member of Chile supported the subamendment of the Africa group. Competition among enterprises allowed workers to choose the platform that best served them.

**159.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Indonesia and Mexico supported the subamendment.

**160.** The amendment was adopted as subamended by the Workers' group, Employers' group, and the Africa group.

**161.** The new preambular paragraph was adopted as amended.

A.5

**162.** The Government members of India and Türkiye introduced an amendment to insert, after preambular paragraph 5, the following new paragraph: "Recognizing the differences among Member States regarding the development of the platform economy, as well as the diversity of business models and work arrangements,". The proposed insertion would help ensure the practical implementation of the Convention by preserving flexibility for Member States across different regulatory approaches and levels of platform economy development.

**163.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Oman, speaking on behalf of GCC countries; Colombia, Grenada, Indonesia, Israel, Singapore and Sri Lanka supported the amendment.

**164.** The amendment was adopted and the new preambular paragraph was adopted.

A.1

**165.** The Government member of Malaysia, seconded by the Employer Vice-Chairperson, introduced an amendment to insert a new paragraph after preambular paragraph 5 that stated: "Taking into consideration the varying levels of advancement in the platform economy across Member States, the diversity of national contexts and the need to have sufficient flexibility and adaptability in the application of these standards,". She noted that the platform economy was evolving at different rates across Member States with significant variations in legal frameworks, labour market structures, institutional capacities and levels of digitalization. Recognizing that diversity in the Preamble would acknowledge the need for flexibility and adaptability in the implementation of the Convention, enabling Member States to give effect to its provisions in accordance with their national circumstances.

**166.** The Employer Vice-Chairperson noted that national contexts differed, thus the need for flexibility and adaptability.

**167.** The Worker Vice-Chairperson did not support the amendment as flexibility in application would be considered in specific Articles of the Convention.

**168.** The Government members of Brunei Darussalam and Kiribati supported the amendment.

**169.** The Government member of Kiribati, seconded by the Government member of Bangladesh, introduced a subamendment to insert "including developing states and the special circumstances of small island developing states and least developed countries" after "national contexts".

**170.** The Government member of Indonesia supported the amendment as subamended.

**171.** The Worker Vice-Chairperson, and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, Türkiye, Uruguay, and Uzbekistan did not support the amendment or the subamendment.

**172.** The Employer Vice-Chairperson proposed to delete "the varying levels of advancement in the platform economy across Member States".

**173.** The Government member of Kiribati supported the further subamendment.

**174.** The Worker Vice-Chairperson, the Government members of Canada and Niger did not support the further subamendment.

**175.** The Government member of Canada noted that flexibility in application was important, but was already addressed elsewhere in the draft Convention, notably in Article 23, paragraph 1.

**176.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through information discussions, the amendment fell.

## Title of Part I

**177.** The title of Part 1 – Definitions – was adopted.

### Article 1

A.2

**178.** The Government member of Malaysia introduced an amendment, seconded by the Government member of Indonesia, to add "or payment" after "Remuneration", in the last sentence of subparagraph (d).

**179.** The Worker Vice-Chairperson, Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, and the Niger, did not support the amendment as it would reopen discussion on text agreed at the last session of the Conference.

**180.** The amendment was withdrawn and Article 1 was adopted without amendment.

**181.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Singapore asked the Secretariat to clarify if the scope of Article 1 covered platforms that merely facilitated work without an active role in structuring or governing it. The Blue report had introduced some uncertainty on the scope of coverage.

**182.** The representative of the Secretary General explained that the terminology "organizes and/or facilitates work" was terminology never before used in an international labour standard. Regarding the meaning of the phrase, as indicated in the Blue report, the Office understood that the Committee's intention was to maintain a broad definition of 'digital labour platform' that covered both work performed by workers in an employment relationship (in such a case the platform organized their work), and work performed by workers engaged outside an employment relationship (in such a case the platform facilitated their work). The terms "organizes" and "facilitates" thus referred respectively to those two situations.

**183.** The term "facilitates work" specifically covered platform work performed by digital platform workers that were not in an employment relationship. Furthermore, based on the Committee's discussions and the replies to the Brown report, the Office had understood that the constituents' intention was to exclude from the definition platforms that purely offered digital spaces to enable communication between clients and workers, such as social networks, online advertising, search engines or job boards, or whose primary purpose was to exploit a shared asset, such as short-term rental of accommodation or online marketplaces by means of which individuals could sell goods. This suggested that, in order to fall under the definition adopted by the Committee, digital labour platforms should go beyond the provision of a digital space and play a material role in enabling the provision of a service upon request of a recipient or a requester.

184. Part I was adopted.

## Title of Part II

185. The title of Part II – Scope – was adopted.

### Article 2

186. Article 2 and Part II were adopted.

## Title of Part III

187. The title of Part III – Fundamental principles and rights a work – was adopted.

### Article 3

A.33

188. The Employer Vice-Chairperson introduced an amendment to delete the list of the fundamental principles and rights at work. The Employers' group was fully supportive of the fundamental principles and rights at work, but noted that restating them was not necessary and not common practice in ILO Conventions.

189. The Government members of Colombia, Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Malawi, Mexico, Namibia, speaking on behalf of the Africa group, Niger, Switzerland, Türkiye, Uruguay, and Zimbabwe did not support the amendment. The fundamental principles and rights at work were universal and applied to all workers, regardless of their employment status, including those in the platform economy. Maintaining the explicit list of principles ensured legal certainty, clarity and transparency, particularly for stakeholders unfamiliar with ILO standards. The principles derived from the 1998 Declaration and applied to all Member States by virtue of membership, irrespective of ratification of the related Conventions, and were not subject to renegotiation. Deleting the list would undermine the substance and clarity of the Article and risk creating interpretative ambiguities.

190. The Government member of Switzerland emphasized that the fundamental principles and rights at work applied to all workers including those who were working through platforms as independent workers. Governments already had some margin to implement these principles in accordance with institutional and national contexts, permitting, for instance, the right to collective bargaining to be applied to self-employed workers. It need not be repeated in the Article. Similar text to that proposed by the Office already existed in other ILO Conventions. He could not support any amendments to the proposed Article, nor any reference to national laws.

191. The Government member of Grenada, speaking on behalf of the CARICOM countries, added that removal of the list would weaken the normative foundation necessary to advance decent work, particularly in small and vulnerable economies.

192. The Government member of Zimbabwe questioned the legal arguments raised against the inclusion of the list and cautioned against setting a precedent whereby established ILO Declarations could be challenged in standard-setting processes. The principles were grounded in Conventions but remained distinct from them, and explicitly listing them would provide clarity for national authorities when considering ratification and implementation.

193. The Government member of Malawi further specified that collective bargaining could take many forms and was broad in nature. It was an essential part of the fundamental principles and rights at work and could not be separated from them.

**194.** The Government member of Mexico highlighted that explicitly enumerating the principles added necessary emphasis where there were gaps in the realization of rights, such as in the platform economy.

**195.** The Government member of Australia recognized that the fundamental principles and rights at work laid at the heart of the ILO and its norms and applied to all platform workers. Tailoring to national contexts should not hinder universal application. He requested clarification from the Secretariat on the rationale for including an explicit list in the Convention text and on precedents in other ILO instruments.

**196.** The Government member of Brazil asked the Secretariat if the list would be automatically updated in the future and whether acceptance of the provision required ratification of the underlying Conventions.

**197.** The Government member of Oman, speaking on behalf of the GCC countries, while not supporting the amendment, expressed concerns regarding the application of collective bargaining to self-employed platform workers, noting possible tensions with competition law. He requested the Secretariat to explain how collective bargaining might apply to workers outside of an employment relationship.

**198.** The Government member of Malaysia supported the amendment.

**199.** The Employer Vice-Chairperson reiterated that the amendment did not intend to undermine the fundamental principles and rights at work as they appeared in the Declaration. Their inclusion in the operative provisions of the Convention would raise challenges to implementation, especially given the low number of countries that had ratified all ILO core Conventions. That was particularly true regarding collective bargaining. Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), underscored that implementation had to be adapted to national circumstances, and was grounded in the context of employment relationships and the regulation of employment conditions. Extending collective bargaining to self-employed workers in the platform economy would therefore go directly against Convention No. 98 and, in most jurisdictions, would conflict with competition law. Finally, it was important to maintain coherence in the integration of fundamental principles and rights at work into the standard-setting process.

**200.** The Worker Vice-Chairperson emphasized that the 1998 Declaration represented a universal commitment by all constituents and that the principles were distinct from the Conventions themselves.

**201.** The representative of the Secretary-General clarified that references to fundamental principles and rights at work appeared both in preambles and in the operative parts of several ILO Conventions. General references appeared in the Preamble of the Maternity Protection Convention, 2000 (No. 183), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The fundamental rights and principles were listed in full in the Articles of the Maritime Labour Convention, 2006, Convention No. 189, and the Violence and Harassment Convention, 2019 (No. 190).

**202.** The purpose of including the list in proposed Article 3 was to enhance clarity, transparency and legal certainty, particularly for readers who may not be familiar with ILO terminology or with the content of the Declaration. Although the list was not automatically updated in existing instruments, it could be revised through the adoption of a consequential instrument following any modification to the Declaration, as occurred after the inclusion of OSH in the fundamental principles in 2022.

**203.** The fundamental principles and rights at work applied to all Member States by virtue of ILO membership, regardless of whether the corresponding Conventions had been ratified, and ratification of related Conventions was not a prerequisite for ratifying the instruments under discussion.

**204.** Regarding collective bargaining, ILO supervisory bodies and particularly the Committee on Freedom of Association, had recognized that the effective recognition of the right to collective bargaining did not only cover workers in an employment relationship. At the same time, they had highlighted that developing specific collective bargaining mechanisms to suit the particularities of self-employed workers may prove necessary. Such mechanisms already existed in certain countries.

**205.** The Employer Vice-Chairperson reiterated support for the fundamental principles and rights at work. She proposed to reintroduce the deleted text, and to add the words “set out in this Convention” before “to take measures to respect, promote and realize”. The subamendment was not considered receivable however as it did not apply to the text that was the subject of the original amendment.

**206.** The Employer Vice-Chairperson withdrew the amendment and aimed to find consensus on the next amendment.

A.32

**207.** The Employer Vice-Chairperson introduced an amendment to add the words “according to national law and practice” after the words “fundamental principles and rights at work” to facilitate implementation for Member States. Subsequent amendments proposed by several Government members reflected similar intentions.

**208.** The Worker Vice-Chairperson did not support the amendment. Fundamental principles and rights at work were universal. Members had an obligation under international law to respect, promote and realize the full range of those principles and rights. They could not be limited by national law and practice or applied differently depending on the national context.

**209.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Fundamental principles and rights at work were at the heart of the ILO’s mandate and should not be subject to, or limited or circumscribed by national law and practice. All Members, including those that had not ratified the fundamental Conventions concerned, had an obligation arising from membership in the ILO to respect, promote and realize in good faith, and in accordance with the Constitution, the principles concerning the fundamental rights.

**210.** The Government member of the Islamic Republic of Iran supported the amendment. The 1998 Declaration and article 19 of the ILO Constitution recognized the relevance of national laws, regulations and practice in the implementation of international labour obligations. The proposed wording would provide legal clarity and help ensure consistency with national practice.

**211.** The Government member of Malaysia supported the amendment, considering that it would facilitate effective implementation by Member States.

**212.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Colombia, Indonesia, Malawi, Mexico and Switzerland did not support the amendment. The fundamental principles and rights at work were human rights and could not be circumscribed through national law or practice. The proposed wording would weaken an essential component of international labour law.

**213.** The Government members of Argentina and Chile supported the amendment.

**214.** The Government member of India supported the amendment. It would make the provision implementable across different legal systems, social protection arrangements, institutional capacity and the scale and nature of platform work.

**215.** The Government member of Brazil did not support the amendment. The fundamental principles and rights at work could not be made dependent on any condition and did not need to be linked to a Convention to apply.

**216.** The Government member of Switzerland asked the Secretariat to clarify the status of the fundamental principles and rights at work in international law and whether the 1998 Declaration allowed flexibility in national implementation.

**217.** The Government members of Kiribati and Türkiye did not support the amendment. A Convention on decent work in the platform economy should take account of national circumstances, but not when it came to fundamental principles and rights at work.

**218.** The Government member of Uruguay did not support the amendment. The purpose of adopting an international standard on the platform economy was to address gaps in international labour standards. Making the fundamental principles and rights at work subject to national law and practice could weaken fundamental rights and create obstacles for the ILO supervisory system.

**219.** The Government members of Canada and Norway did not support the amendment.

**220.** The Government member of Australia asked the Secretariat to clarify whether the reference to national law and practice affected the substantive obligation itself or only the manner of implementation, and in what circumstances such wording was normally used.

**221.** The representative of the Secretary-General stated that, under the 1998 Declaration, all Members had an obligation, arising from membership of the Organization, to respect, promote and realize the fundamental principles and rights at work. The original text was intended to reflect the universal nature of those principles and rights, and there was no Convention that made the fundamental principles and rights at work subject to national circumstances. The affirmation of their universal nature had not prevented the ILO supervisory bodies from taking national circumstances into account when examining action taken by governments. While the obligation to respect, promote and realize the fundamental principles and rights at work could not be made subject to national circumstances, the policy options chosen to discharge those obligations could take such circumstances into account.

**222.** The Legal Adviser clarified that the 1998 Declaration reflected long-established constitutional practice within the ILO. The Declaration recalled principles already enshrined in the ILO Constitution, its Preamble and the Declaration of Philadelphia. In the ILO constitutional framework, “principles” referred to broad constitutional commitments and objectives that guided Member States’ actions and the Organization’s assistance to its Members. Their fundamental character did not derive from the 1998 Declaration itself; rather, those rights were fundamental because of their constitutional status, and the Declaration merely recognized and reaffirmed that reality. The 1998 Declaration did not create new obligations for Member States. Instead, it recalled and reinforced commitments that Members had already undertaken by joining the ILO and encouraged them to pursue those objectives consistently. The Declaration also reflected the constitutional principle that the implementation of those rights and principles might vary according to national circumstances, including different levels of social and economic development. While the constitutional principles were broad in nature, they were given concrete effect through international labour Conventions adopted by the Conference. Responding to questions regarding flexibility in the Declaration’s language, the Legal Adviser cited paragraph 1(a), which recalled that all ILO Members, by freely joining the Organization, had endorsed the principles and rights set out in the Constitution and the Declaration of Philadelphia and had undertaken to pursue the Organization’s objectives to the best of their resources and in accordance with their specific circumstances. She also cited paragraph 3, which recognized the obligation of the ILO to assist its Members, in response to their expressed needs, in achieving those fundamental principles and rights at work.

**223.** The Employer Vice-Chairperson stated that the Employers' group supported the fundamental principles and rights at work, but considered the amendment important.

**224.** The Worker Vice-Chairperson asked the Employers' group to reconsider its position. The Committee had discussed the issue at length and it should not be postponed. The amendment would undermine the constitutional principles reaffirmed in the 1998 Declaration, which were universal and derived their authority from the Constitution, not from the Declaration itself. Adding qualifying language would inappropriately limit their scope.

**225.** As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson having taken into account the discussions with government members, agreed to adopt the Article without amendment. Therefore, the amendment was not adopted and amendments A3, A8 and A11 fell.

A.9

**226.** The Government member of India introduced an amendment, seconded by the Employer Vice-Chairperson, to insert the word "progressively" before "realize, in the platform economy, the fundamental principles and rights at work". The commitment to implementing the fundamental principles and rights at work might require phased approaches and institutional capacity-building in certain countries. The notion of progressive realization was reflected in the International Covenant on Economic, Social and Cultural Rights, which recognized the progressive realization of rights, as well as the Social Protection Floors Recommendation, 2012 (No. 202), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

**227.** The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Canada, Mexico, Switzerland and Uzbekistan did not support the amendment.

**228.** The Government member of Canada noted that the word "progressively" was prescriptive, departing from the consensus on a principle-based instrument.

**229.** The amendment was withdrawn and Article 3 was adopted without amendment.

**230.** Part III was adopted.

## Title of Part IV

**231.** The title of Part IV – Occupational safety and health – was adopted.

### Article 4

A.36

**232.** The Employer Vice-Chairperson introduced an amendment to replace the phrase "for the prevention of occupational accidents, occupational diseases and any other injuries to digital platform workers' health arising out of, linked with or occurring in the course of their work:" with "to promote a safe and healthy working environment in the platform economy". Fully preventing accidents, diseases and injuries was not realistic. Most digital platform workers were self-employed, and therefore outside of the control of digital labour platforms. The amendment reaffirmed the role of Member States to promote safety and health at work.

**233.** The Government member of Malaysia supported the amendment.

**234.** The Worker Vice-Chairperson did not support the amendment. The text should remain consistent with the language and rationale of existing OSH Conventions, which applied to platform workers, and which emphasized the prevention of occupational accidents, diseases and injuries arising out of or in the course of work. Evidence from the platform economy demonstrated considerable risks linked to automated systems that could be prevented. OSH was a fundamental constitutional principle of the ILO and the focus should be on fulfilling the obligation to prevent occupational risks.

**235.** The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Uzbekistan, and Mexico did not support the amendment, considering that OSH was a fundamental right that should expressly apply to all digital platform workers. The Government member of Uzbekistan added that the text should reflect the realities of the platform economy, including couriers' accidents, delivery workers' injuries, risks faced by drivers and psychosocial risks and stress associated with algorithmic management.

**236.** The Government members of Switzerland and Argentina did not support the amendment as other amendments with similar intentions were more fit for purpose.

**237.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Occupational safety and health measures should not be limited to addressing harms that had already occurred. Preventive measures were essential to protecting digital platform workers and should therefore be explicitly reflected in the Convention.

**238.** The amendment was withdrawn.

### A.40 and A.55

**239.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment (A.40) to add ", considering digital platform workers' classification of status in employment," after "measures", which was taken from Paragraph 6 of the draft Recommendation and would provide flexibility to consider the different employment statuses of digital platform workers across jurisdictions.

**240.** An identical amendment (A.55) had been submitted by the Government members of Saudi Arabia, Bahrain, United Arab Emirates, the United States, Japan, Kuwait, Oman, Qatar, Switzerland and Türkiye.

**241.** The Worker Vice-Chairperson did not support the amendment. The addition would allow governments to withhold protections for some workers, whereas the right to a safe and healthy working environment was a fundamental right irrespective of employment status. The risks faced by platform workers were embedded in the design and operation of algorithmic management systems, which could adversely affect working conditions, including by penalizing workers who declined unsafe tasks. Flexibility was already reflected in the notion of "appropriate measures", which could be understood as affecting the substantive rights protected, and OSH protections should apply regardless of workers' contractual status.

**242.** The Employer Vice-Chairperson supported the amendment. Different employment statuses and jurisdictions were a reality. She introduced a subamendment to replace "considering" with "according to". She asked the Secretariat to confirm that "status in employment" captured all employment classifications, including employees, self-employed and, in some jurisdictions, workers in a third category.

**243.** The representative of the Secretary-General confirmed that the term “classification of status in employment” encompassed the different types of status in employment legally recognized by Member States, whether within or outside an employment relationship.

**244.** The Government member of the Islamic Republic of Iran supported the subamendment.

**245.** The Government member of Indonesia supported the amendment. It reflected the diversity of regimes across Member States and preserved flexibility in implementation. The reference to status in employment should not be interpreted as determining whether protection was provided but rather, as guiding the way protection was implemented under national law and practice.

**246.** The Government members of Australia and Mexico did not support the amendment. The text already provided sufficient flexibility through the reference to appropriate measures and paragraph 2 of Article 4, which set out the considerations and approaches for implementing paragraph 1. The amendment could dilute the protection afforded to platform workers and weaken the application of fundamental principles and rights at work. Occupational safety and health risks were real for all platform workers and should not vary according to employment status.

**247.** The Government member of Brazil did not support the amendment. If a worker did not fit a criterion, he would be left unprotected, which would cost Governments and overload the health and social security systems.

**248.** The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, and the United States supported the amendment. The implementation of OSH obligations should consider the different employment statuses of platform workers, as their scope and application were closely linked to status in employment. The amendment reflected legal realities without prejudging the classification of platform workers and would facilitate implementation across different national systems.

**249.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Canada, China, Malawi, Uruguay, and Uzbekistan did not support the amendment. Linking OSH obligations to employment status could limit the scope of protection, despite OSH being a fundamental principle and right at work.

**250.** The Government member of New Zealand asked the Secretariat to explain the meaning of “appropriate measures” and the extent to which it related to national law and practice.

**251.** Regarding the insertion of the phrase “considering digital platform workers’ classification of status in employment”, the representative of the Secretary-General recalled that fundamental principles and rights at work, including OSH, applied to all workers. The Office had used such language in the draft Recommendation, but not in the draft Convention. Article 4 already contained the qualifier “appropriate measures”, which could be considered to include the spirit of the proposed amendment and was therefore not inconsistent with the recognition of fundamental principles and rights at work. Article 4(2), which dealt with implementation, required Member States to consider national conditions and practice, including matters relating to workers’ status in employment (subparagraph (b)). As amended, the Article would continue to require protection for all platform workers, while allowing Member States to take workers’ status in employment into account in determining the appropriate measures to implement it. What measures would be considered appropriate would also be based on circumstances, regulatory frameworks and characteristics of the particular categories of workers.

**252.** The Worker Vice-Chairperson did not support the subamendment introduced by the Employers' group. The reference to "appropriate" already provided the necessary flexibility for implementation and replacing "considering" with "according to" could limit that flexibility.

**253.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

**254.** The Government members of Australia, the Democratic Republic of the Congo and Mexico did not support the subamendment. Access to OSH was a right that should not be diluted, even if the way in which protection was provided might differ. The flexibility sought by the proponents was already reflected in the draft Convention and it was important to read paragraphs 1 and 2(b) and (c) of Article 4 together.

**255.** The Government member of the United States supported the subamendment to replace "considering" with "according to". Occupational safety and health should be implemented in accordance with laws, not just considering them. The original text could create an enforcement burden by requiring additional OSH protections for certain categories of platform workers beyond those applicable to workers outside the platform economy. These implementation challenges could affect the adoptability of the instrument.

**256.** The Government member of Chile supported the amendment but did not support the subamendment. "Considering" better reflected the needs to protect workers rights and reference to classification should be retained in both paragraphs 1 and 2 of Article 4.

**257.** The Government member of Singapore did not support the subamendment.

**258.** The Government member of Cyprus, speaking on behalf of the EU Member States, was willing to withdraw the amendment, in light of the Secretariat's explanation that the use of "appropriate" in paragraph 1 already included implicitly a reference to "national conditions and practice", which was made explicit here in paragraph (2)(b). The Article now provided the intended flexibility for Member States. Based on this clear understanding, the term "appropriate" provided flexibility for Member States.

*(The decision was deferred until all other amendments to Article 4 would have been considered.)*

## A.22

**259.** The Government member of Oman, speaking on behalf of the GCC countries, introduced an amendment to insert "Subject to Article 8," before "Member" to improve consistency within the text by referring directly to Article 8, thus preventing conflicting interpretations among the provisions.

**260.** The Employer Vice-Chairperson showed interest in the amendment (A.22), although proposed Article 8 had not yet been discussed.

**261.** The Worker Vice-Chairperson did not support the amendment. Occupational safety and health could not be made subject to another Article as it was a fundamental principle and right at work and a human right. It would also pre-empt the discussion of amendments to proposed Article 8.

**262.** When resuming the discussion at a later sitting, the Government member of Switzerland asked the Secretariat whether the term "appropriate" could encompass considerations relating to digital platform workers' classification of status in employment status and whether the obligation to "take measures" required Member States to adopt new measures.

**263.** A representative of the Secretariat indicated that Member States would determine the measures they considered appropriate and that such considerations could include the classification of status in employment. The obligation to take measures did not necessarily require the adoption of new measures and could be fulfilled through existing national law and practice.

**264.** The Government member of Switzerland, also speaking on behalf of the GCC countries, Japan, Türkiye and the United States, introduced a subamendment to amendments A.40 and A.55 proposing to delete ", considering the classification of digital platform workers' status in employment," from Article 4(1) and to insert "and the classification of digital platform workers' status in employment" in Article 4(2)(b), after "national conditions and practice".

**265.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment and the amendments were adopted as subamended.

**266.** As a result, the other amendments to the two paragraphs of Article 4 fell (A.22, A.35, A.4, A.12, A.42, A.17, A.6, A.37, A.18 and A.19) and Article 4 was adopted as amended.

## Article 5

### A.46

**267.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to insert the phrase, "considering digital platform workers' classification of status in employment," between "Each Member shall" and "take measures to ensure that digital platform workers have the right to remove themselves from a work situation".

**268.** The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates and the United States, supported the amendment. The right of platform workers to remove themselves from situations presenting an imminent and serious danger to life or health was already recognized in many national legal frameworks, including for both employees and self-employed persons. However, the scope, modalities of application and associated obligations differed depending on workers' employment status. Member States could face implementation challenges if the provision was applied uniformly without regard to such distinctions.

**269.** The Worker Vice-Chairperson did not support the amendment. Referencing employment status could undermine the universal nature of the right under discussion.

**270.** The Employer Vice-Chairperson supported the amendment expressing concern regarding potential duplication with existing provisions. The right to remove oneself from dangerous work situations should apply to all workers, while the obligation to inform the digital labour platform was linked to an employment relationship. She also introduced a subamendment to replace "considering" with "according to" to strengthen the link between the applicable measures and workers' status in employment, thereby providing greater legal certainty.

**271.** The Worker Vice-Chairperson did not support the subamendment.

**272.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, the Philippines, Uruguay, and Uzbekistan did not support the amendment or the subamendment. The right to remove oneself from a situation presenting an imminent and serious danger to life or health constituted a fundamental OSH protection that should apply universally. The proposed amendment could create legal uncertainty, lead to differentiated levels of protection, and undermine the principle that all workers, irrespective of contractual status, should be able to withdraw from dangerous situations without adverse consequences.

**273.** The Government members of Indonesia, the Islamic Republic of Iran, Japan and the United States supported the amendment and the subamendment, which were necessary to tailor the provision to the diversity of national legal frameworks and forms of work in the platform economy. Different employment statuses entailed distinct rights and obligations, including differences in autonomy, contractual arrangements and regulatory approaches. Explicitly linking the measures to workers' status in employment would enhance legal clarity and facilitate implementation at the national level without negating rights.

**274.** The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment but not the subamendment.

**275.** The Government members of Chile and Ecuador supported the amendment, while seeking clarification regarding its implications. The diversity of employment arrangements in the platform economy should be reflected in the implementation of the provision; however, the reference should not be interpreted as restricting the right of workers to remove themselves from situations presenting an imminent and serious danger to life or health. Rather, the provision should allow Member States flexibility in determining how that right was implemented under different legal frameworks, while ensuring effective protection for all workers.

**276.** The Government member of Australia noted that Article 5 did not include the word "appropriate" before "measures" as it did in Article 4(1), and that such an addition could address concerns. The formulation, as previously clarified by the Secretariat, would provide for sufficient flexibility to accommodate diverse national laws and practices while maintaining the integrity of the right.

**277.** The Government member of Brazil concurred with the Government member of Australia. She further questioned the necessity of referring to employment classification in every Article. Moreover, it was a given that any measures taken would be in accordance with national law.

**278.** The Government member of the United States noted that many people chose to be self-employed because of the greater level of agency and earning potential. International labour standards should not curtail that agency.

**279.** The Government member of Switzerland recalled that in the first discussion in 2025, the Committee had agreed not to fully address the classification of status of employment in Article 1, but rather to attend to it in the context of Articles where employment status – and not misclassification – affected implementation in certain jurisdictions. Articles 4 and 5 were such provisions.

**280.** The Government member of Cyprus, speaking on behalf of the EU Member States introduced a further subamendment, with a view to facilitating consensus, to replace the text proposed in their amendment with "appropriate" before "measures". Based on the understanding provided by the Secretariat under Article 4(1), the term "appropriate measures" provided the necessary flexibility for Member States.

**281.** The Government member of the United States questioned why the term "appropriate" was seen as a better alternative. It did not add legal clarity on employment status.

**282.** The Government member of South Africa asked the Secretariat to confirm if the term "digital platform worker" was defined in Article 1 as covering all platform workers regardless of classification. If so, that definition should apply automatically any time the term was used in the instruments. It was important not to alter the term's definition or scope such as to conflict with that definition. Moreover, proposed Article 8, which addressed measures to ensure correct classification of employment, had not yet been discussed, which could result in further incoherent uses of terms.

**283.** The Worker Vice-Chairperson supported the subamendment.

**284.** The Government member of Mexico supported the amendment and subamendment, although they did not seem necessary. Adding the term “appropriate measures” was also redundant, where the Office text provided sufficient flexibility.

**285.** In response to the question by the Worker Vice-Chairperson, the representative of the Secretary-General explained that the use of the term “appropriate measures” in the context of Article 5 would not curtail the fundamental principles and rights at work because it qualified the implementation rather than the right. Recognition of a right could not be qualified, whereas measures taken to give effect to that right could be adapted to national conditions and practice. The right to remove oneself from a dangerous situation, as set out in Article 13 of the ILO Occupational Safety and Health Convention, 1981 (No. 155), constituted an essential element of the right to a safe and healthy working environment, which covers all employed persons and is silent on the coverage of self-employed persons. There was a strong legal basis that the non-recognition of the right to removal would undermine the very principle of the right to safe and healthy working environment as set out in Paragraph 2(e) of the 1998 Declaration. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) considered that the right of workers to remove themselves from situations when there was a reasonable justification to believe that there was a serious and imminent danger remained an essential foundation for the prevention of occupational accidents and diseases. The right of removal has been had also appeared in six other ILO Conventions, many of which were broader in scope. The proposed amendment and subamendments concerned the way members would implement the fundamental principles and rights at work relating to a safe and healthy working environment.

**286.** The Government member of Switzerland, speaking also on behalf of the Government members of Argentina, Bahrain, Chile, Ecuador, India, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, the United Kingdom, the United States, and Uzbekistan, did not support the subamendment because the terms “appropriate measures” were not specific enough to provide the necessary flexibility. Since proposals to narrow the scope of the instrument had not been accepted when discussing Articles 1 and 2 on definitions and scope, it was necessary to introduce flexibility in the relevant operational Articles and to ensure their clarity. Member States should not need to consult other documents to understand their obligations. Noting that it was a cross-cutting issue in the amendments that had been submitted, he suggested that the Officers work together to agree on a consistent approach to apply throughout the instrument.

**287.** The Government member of Australia supported the subamendment given the Secretariat’s explanation that it would provide ample flexibility while respecting the fundamental rights and principles at work. He preferred it to the amendment as it applied to policy areas generally, rather than a specific policy, and questioned why some Government members disagreed.

**288.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Canada, and Colombia supported the amendment. The Government member of Grenada added that the text provided flexibility and addressed the unique circumstances of the CARICOM countries.

**289.** The Government members of Indonesia, Kiribati, Malaysia, and the Philippines supported the amendment based on the Office explanation.

**290.** The Employer Vice-Chairperson did not support the subamendment. A good outcome required legal certainty and consistency throughout the instrument. The term under discussion was used inconsistently throughout the text. She agreed to the suggestion to hold a dedicated meeting of the Officers of the Committee to find a solution that would apply throughout the instrument.

**291.** The Worker Vice-Chairperson did not support the suggestion for holding an Officers' meeting. The issue should be decided by the Committee. The discussion had been useful because it had enabled Government members to express their different views.

**292.** The Government member of Switzerland clarified that the proposed Officers' meeting would address cross-cutting language issues throughout the text and not the amendment under discussion, and that the Officers would not take final decisions on individual paragraphs, as these would remain the responsibility of the Committee.

*(The decision was deferred until all other amendments to Article 5 would have been considered.)*

A.38

**293.** The Employer Vice-Chairperson introduced an amendment to add ", in accordance with national law and practice," after "Each Member shall take measures" Member States already had well established OSH frameworks and the proposed Convention should not conflict with those. The proposed wording would ensure the instrument remained principle-based.

**294.** The Government member of the United States considered it difficult to discuss any amendments on Article 5 before having clarity on how it would be applied according to the employment status.

**295.** The Government member of Brazil did not support the amendment as it was understood that the Convention could not override national laws.

**296.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Argentina, Australia, Canada, China, Colombia, the Islamic Republic of Iran, Israel, Mexico, and New Zealand supported the amendment.

**297.** The Government member of Israel added that the amendment allowed for ample flexibility in implementation.

**298.** The Government member of the Islamic Republic of Iran considered that the proposed wording would ensure that implementation remained consistent with existing national labour law frameworks and classification criteria.

**299.** The Government member of Australia would support the amendment on the understanding that the wording related to flexibility in implementation rather than to the substance of the obligation.

**300.** The Government member of Mexico supported the amendment on the understanding that it did not diminish the right of workers to remove themselves from a work situation that they believed presented imminent danger.

**301.** The Government member of Colombia supported the amendment on the basis that no law could undermine the fundamental principles and rights at work.

**302.** The Government member of Argentina supported the amendment on the understanding that it did not undermine workers' rights or Member States' obligations.

**303.** The Worker Vice-Chairperson stated that her group could support the amendment if the Secretariat could confirm that it qualified implementation measures, not the legal obligation regarding the fundamental right in question.

**304.** The Legal Adviser recalled that fundamental principles and rights at work were constitutional principles or objectives. The 1998 Declaration recognized that the manner in which effect was given to those constitutional principles and rights may vary according to Members' circumstances. Those constitutional principles were expressed and developed in the form of specific rights and obligations in the Conventions recognized as fundamental. In other words, a distinction had to be drawn between the constitutional principles and their detailed normative expression through international labour standards. It was in relation to the normative expression that the reference to national law and practice was used.

**305.** The phrase “in accordance with national law and practice” or similar expressions, were common in ILO international labour standards, including in OSH instruments. As was stated in the *Manual for drafting ILO instruments*, such expressions “confirm that ILO instruments take into account the discretion that the Member States have in relation to their internal organization. These expressions become especially meaningful when it comes to the choice of *means and methods of implementation [...]. However, they have also been used as flexibility measures affecting substantive provisions*. In these cases, attention should be given not to devoid the substantive provisions of the instrument of their scope by referring, without a minimum guarantee, to national laws and practices to determine the scope, the nature, or even the definition of the protection” (emphasis added).

**306.** It followed that the legal effect of such expressions must always be assessed in their specific context. The use of these expressions was first and foremost a choice of standards policy and hinged on the objectives pursued by the Conference or its Committee through the adoption of a particular Convention.

**307.** Where the phrase “in accordance with national law and practice” appeared in a provision that established rights or restated existing rights or principles without prescribing any method as to how to implement them, the phrase may be unnecessary. Many ILO Conventions, including all the recent ones, contained provisions on the methods of implementation of the Convention, similar to Article 23 of the draft Convention before this Committee. They typically provided at least that Member States may give effect to the provisions of a Convention through laws and regulations, collective agreements or any other measures consistent with national conditions and practice. As this type of provisions applied to all obligations of Members under the Convention, specifying in certain provisions that measures must be taken “in accordance with national law and practice” may be unnecessary if it was to mean substantially the same. Moreover, the phrase may also be understood as meaning that the rights or principles were implemented *subject* to national law and practice. Depending on the exact formulation, this may render the substantive obligations resulting from the ratification devoid of binding content and – if the provision restated a constitutional principle – may appear to question the constitutional obligation of Members to realize these principles.

**308.** Article 5 of the draft Convention, as it stood, required Member States to take measures to ensure that digital platform workers had the right to remove themselves from a potentially dangerous work situation. While it clearly set the objective of extending the right of removal to digital platform workers, the obligation on Members was to take measures to ensure the right. Insofar as the main obligation was to take measures, specifying that those measures must be “in accordance with national law and practice” would reflect a choice by the Committee to potentially limit the scope of the Article. “Potentially” because this depended on the extent to which a Member State had ratified fundamental and other relevant Conventions, which would then be part of their national law and practice.

*(The decision was deferred until all other amendments to Article 5 would have been considered.)*

A.13

**309.** The Government member of India introduced an amendment seconded by the Employer Vice-Chairperson to add the “, as appropriate,” after “Each Member shall take measures” in the first sentence The aim was to introduce flexibility in implementing the provisions of the Article. The clarification to be provided by the Office regarding whether the words “as appropriate” provided sufficient flexibility would determine whether the amendment will suffice.

**310.** The Employer Vice-Chairperson supported the amendment in principle but noted that the concern had yet to be resolved.

**311.** The Worker Vice-Chairperson did not support the amendment as the terms “as appropriate” had a very different meaning than “appropriate measures”, which had received previous support.

*(The decision was deferred until all other amendments to Article 5 would have been considered.)*

A.39

**312.** The Employer Vice-Chairperson introduced an amendment to insert, after “have the right”, the words “, in the course of performing their work,”. The wording was taken from the original draft of Article 5 in the Brown report. The amendment proposed an important clarification because the term “work situation” was unclear in the context of diverse forms of platform work, including freelance work that might extend over several weeks or months. The Employers’ group supported the right of workers to remove themselves from dangerous situations, but wished to clarify that the right applied to when they were performing work.

**313.** The Worker Vice-Chairperson did not support the amendment as it would narrow the scope of the right. A worker might otherwise have to begin performing work before being able to remove themself from a dangerous situation, which could itself create risk. Particularly where algorithms were opaque and might penalize workers who abandoned tasks, workers could be unduly pressured to continue working. Moreover, “work situation” provided a sufficiently clear scope.

**314.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Colombia, Mexico, and the United Kingdom did not support the amendment as the concept was already covered by “work situation”.

**315.** The Employer Vice-Chairperson withdrew the amendment and invited the Committee to remain mindful of the realities of platform work, including technology-mediated work, independent work and work performed from home.

A.20

**316.** The Worker Vice-Chairperson introduced an amendment to insert, after “work situation”, the words “, including when the situation is determined by the use of automated systems,”. It would clarify an essential point concerning occupational risks in platform work, which were often created or intensified by automated systems exercising managerial functions in real time. The source of pressure and risk could be the automated system, and workers should be able to remove themselves from danger without retaliation. The amendment did not create a new obligation but clarified that OSH protections applied where managerial functions were exercised through algorithms.

**317.** The Employer Vice-Chairperson did not support the amendment because she found the wording redundant. Automated decision-making systems were addressed in a stand-alone section of the proposed Convention and were already part of the definitions. She stated that the Employers’ group fundamentally disagreed with the Workers’ group’s assertion that automated decision-making systems exercised managerial functions.

**318.** The Government member of Mexico did not support the amendment because the issue was covered by Article 5. Moreover, dangers resulting from work in the platform economy could include dangers generated by automated systems.

**319.** The Government members of Colombia, Brazil, and Namibia, speaking on behalf of the Africa group, did not support the amendment as it was redundant.

**320.** The Government member of the Islamic Republic of Iran did not support the amendment. Adding a reference to automated systems in Article 5 would extend the right to refuse dangerous work to algorithmic decisions, risk increasing legal uncertainty, blur distinctions between employees and self-employed workers, and make assessments of imminent and serious danger highly subjective, potentially leading to domestic disputes.

**321.** The Government members of Türkiye and Uzbekistan did not support the amendment, considering that it was unnecessary to add a reference to automated systems.

**322.** The amendment was withdrawn.

A.41

**323.** The Employer Vice-Chairperson introduced an amendment for the text, after "undue consequences and" to read: ", if they are in an employment relationship, that they have the duty to inform the digital labour platform of the situation without delay, comply with prescribed OSH measures, and take reasonable care for their own safety and the safety of others". The amendment was closely linked to the discussion concerning the employment relationship and the intention was to limit the duty to inform the platform to employees, rather than including self-employed workers.

*(The decision was deferred until all other amendments to Article 5 would have been considered.)*

A.7

**324.** The Government member of the United States introduced an amendment to delete "and that they shall inform the digital labour platform without delay". Where a worker was an employee, there should not necessarily be consequences for failing to report matters to an employer. Workers might not feel comfortable, or empowered to report to management, and should not suffer consequences for not reporting.

**325.** An amendment (A.56) was withdrawn.

**326.** When resuming the discussion of Article 5, the Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Switzerland, speaking also on behalf of the Government members of the United States, Japan and Türkiye, supported the subamendment to amendment A.46 introduced by the EU Member States to delete ", considering digital platform workers' classification of status in employment," and insert "appropriate" between "take" and "measures".

**327.** Amendment A.46 was adopted as subamended and the other amendments (A.38, A.13, A.41 and A.7) were not adopted.

**328.** Article 5 was adopted as amended and Part IV was adopted as amended.

## Title of Part V

**329.** The title of Part V – Violence and harassment – was adopted.

### Article 6

A.14

**330.** The Government member of India, seconded by the Employer Vice-Chairperson, introduced an amendment to replace the entire text with "Each Member shall take appropriate measures to ensure that the protection available against violence and harassment under national laws is also extended to digital platform workers, so far as is reasonably practicable, including in cases where such violence and harassment is perpetrated online or by third parties such as clients and customers." It was important to maintain coherence with existing national legal frameworks and extend protections already available under national laws rather than requiring new or sector-specific legislation to promote regulatory consistency and avoid duplication.

**331.** The Employer Vice-Chairperson reflected that the amendment offered a solution to ensuring protection without creating a hierarchy of rights. Platform work was a subset of the economy, rather than a sector or the whole economy. It was necessary to avoid inadvertently creating for platform workers separate rights that were not available to workers with the same classification status that did not use platforms. She introduced a subamendment to delete “to ensure that the” and add “so that” and delete “available” so that the text would read: “Each Member shall take appropriate measures so that protection against violence and harassment under national law is also extended to digital platform workers, so far as is reasonably practicable, including in cases where such violence and harassment is perpetrated online or by third parties such as clients and customers.”

**332.** The Worker Vice-Chairperson did not support the amendment or the subamendment. The Office text requiring Members to take appropriate measures to effectively protect digital platform workers against violence and harassment was the correct approach. Qualifying the obligation by what was “reasonably practicable” at the national level could weaken protections and undermine the standards already established under Convention No. 190, which applied to all workers. Digital platform workers should not receive a lower level of protection; the proposed wording could lead to uneven implementation and protection gaps. Citing examples such as stalking, sexual harassment, and abusive ratings experienced by online workers, she maintained that Member States should be expected to take effective measures to protect all platform workers and therefore rejected both proposals.

**333.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia, Indonesia and Mexico did not support the amendment or the subamendment. Both would weaken the intent of the original text by making protection contingent on national laws and introducing a “reasonable and practicable” qualification, which would undermine the strength of the provision and the protections established under Convention No. 190. The Office text requiring Member States to take appropriate measures to address violence and harassment should be retained.

**334.** The Government member of India clarified that his intention was not to weaken protection from violence and harassment for digital platform workers but rather to ensure that they were covered by existing national legislative and administrative frameworks. The proposal was consistent with Convention No. 190, which allowed flexibility in how Member States implemented protections and did not require separate laws for specific sectors or categories of workers. The amendment sought to protect digital platform workers, including from online harassment and third-party violence, while preserving national discretion and respecting different legal and institutional arrangements.

**335.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Canada, Chile, Colombia, and the Philippines voiced preference for the Office text.

**336.** The Government member of the Islamic Republic of Iran argued that the reference to national laws was not intended to weaken or circumvent international obligations but rather to recognize that rights and obligations required domestic legal and administrative mechanisms to be enforceable in practice. That was particularly relevant to violence and harassment, where national legislation might provide stronger protections. The proposed wording was consistent with ILO Convention No. 190.

**337.** The Government member of the United States supported the subamendment, but proposed to delete the word “violence and” before “harassment”, seconded by the Employer

Vice-Chairperson. In many jurisdictions, violence was legally defined as requiring physical presence and the use of physical force, and therefore could not be committed online. Including “violence” in the context of online conduct could create legal inconsistencies.

**338.** The Government member of Honduras supported the subamendment proposed by the United States. An explicit reference to national legislation was important to provide greater legal certainty and facilitate the effective implementation and enforcement of the Convention through national justice systems.

**339.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia, Canada, Dominican Republic, Kiribati, Switzerland, and Tunisia did not support the subamendment proposed by the United States.

**340.** The Government member of Canada asked the Secretariat if the definition of violence and harassment in Convention No. 190 extended to online violence and harassment and, if so, whether additional wording would be necessary to ensure protection for affected workers.

**341.** The Government member of Brazil did not support the amendment or the subamendment, noting that “violence and harassment” was an established term within ILO instruments and should be interpreted consistently. The concept of digital violence was already recognized within the United Nations (UN) system, including in discussions at the Commission on the Status of Women, and maintained that violence could be perpetrated through digital means.

**342.** The representative of the Secretary-General recalled that Convention No. 190 defined “violence and harassment” broadly as “a range of unacceptable behaviours, practices, or threats that result in, or are likely to result in, physical, psychological, sexual, or economic harm, including gender-based violence and harassment.” The Convention applied to violence and harassment occurring in the course of, linked with, or arising out of work, including through work-related communications, and therefore its scope extended to conduct occurring in the digital space, such as cyberbullying.

**343.** The Government member of the United States took note of the Secretariat’s explanation and pointed out that some jurisdictions had differing definitions of such terms, which was precisely why national laws and circumstances had to be considered. He withdrew his subamendment.

**344.** The Government member of India and the Employer Vice-Chairperson asked the Secretariat to explain if the phrase “shall take appropriate measures” meant that Members would necessarily have to draft new regulation.

**345.** The representative of the Secretary-General explained that there was no requirement to adopt new, specific laws. It could also be sufficient to simply extend existing laws, although new laws could also be adopted.

**346.** The Employer Vice-Chairperson withdrew the subamendment, but reiterated it was important to develop a shared understanding of what measures were expected of Members, and cautioned against creating a hierarchy of rights.

**347.** The amendment was withdrawn.

### A.48

**348.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Republic of Moldova and Ukraine introduced an amendment to insert, after “appropriate measures”, the phrase “, including preventive measures,”. Given the importance of preventing violence and harassment in the workplace, this should be explicit and emphasized. Paragraph 1 of the proposed Article 4 already referred to preventive measures and effective protection against violence and harassment implied taking preventive measures.

**349.** The Worker Vice-Chairperson supported the amendment.

**350.** The Employer Vice-Chairperson, and the Government members of India, Indonesia, and Namibia, speaking on behalf of the Africa group, did not support the amendment as "appropriate measures" encompassed preventive measures.

**351.** The Government member of South Africa asked the Secretariat to clarify if there was any risk of producing conflicting or overlapping rights for platform workers. Article 1 of the draft Convention indicated that it would cover employees and self-employed workers, and self-employed workers were not limited to the platform economy. Focusing on those in an employment relationship, he asked whether there was a risk in using language from or referring to other relevant Conventions that might have differing scopes of application. For example, Convention No. 155 covered all workers and could never be interpreted to exclude a digital platform worker, meaning that even without the present instrument, platform workers in an employment relationship would already be protected by Convention No. 155. He therefore asked whether the intention was to create protection peculiar to digital platform workers in employment, or whether it amounted to double-layer protection, given that Convention No. 155 and other Conventions applying to all workers would continue to apply to platform workers in an employment relationship after ratification.

**352.** The Government member of Australia was flexible on the amendment and appreciated the sentiment behind it in recognizing the importance of preventive measures. He requested that the position of constituents that preventive measures were included, be reflected in the record of proceedings.

**353.** The amendment was withdrawn.

A.43

**354.** The Employer Vice-Chairperson introduced an amendment to insert, after "Each Member shall", the phrase ", in accordance with national law and practice and in consultation with the most representative employers' and workers' organizations,". Member States already had established frameworks on violence and harassment, and any new measures taken specifically for the platform economy should be consistent with those. The amendment was also consistent with the Committee's preference for a flexible and principle-based instrument that Member States could realistically implement according to national circumstances. Social partners should be consulted when new measures were developed and implemented, to ensure they were fit for purpose and aligned with national laws, two fundamental components in Convention No. 190.

**355.** The Worker Vice-Chairperson did not support the amendment because it qualified the right rather than the measures. While the Workers' group believed that Members should consult the most representative employers' and workers' organizations when implementing their obligations, that was not what was at issue in that text.

**356.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. The reference to "in accordance with national law and practice" had already been debated in an earlier amendment (A.14) and it had been concluded by the Committee that the term "appropriate" offered sufficient flexibility to adapt the measures to the national context.

**357.** The Government member of Mexico did not support the amendment. The reference to "in accordance with national law and practice" had already been debated in an earlier amendment (A.14). If the language on social dialogue were to be kept, it should concern the adoption of measures far broader than those listed in the proposed Article, as does Article 4(2) of Convention No. 190, which concerned the obligation to prohibit violence and harassment, ensure relevant policies, adopt a strategy to take preventive measures, and establish enforcement mechanisms, among other things.

**358.** The Government member of Australia did not support the amendment. The Office text provided an appropriate balance and did not require Members to ratify ILO Convention No. 190. The expression “take appropriate measures” offered an appropriate level of flexibility, and it was not necessary to refer to consultation with social partners here, as this was amply covered by the proposed Article 23, which applied across the instrument.

**359.** The Government members of Indonesia, Philippines and Singapore did not support the amendment. Protection against violence and harassment was a fundamental right and the Office text already provided sufficient flexibility to determine appropriate measures.

**360.** The Government member of the Islamic Republic of Iran supported the amendment.

**361.** The Government member of Colombia did not support the amendment. While consultation was an important part of social dialogue, the Committee was negotiating a principle-based Convention in which social dialogue was implied throughout.

**362.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment but recognized the importance of social dialogue.

**363.** The Government member of South Africa asked the Secretariat to clarify who had the authority to determine the appropriateness of a measure.

**364.** The Government member of Brazil did not support the amendment. The reference to “Appropriate measures” would be enough and should be taken through social dialogue.

**365.** The Employer Vice-Chairperson noted that there was no agreement within the Committee on the meaning of the phrase “take appropriate measures”. Despite the Secretariat’s explanations, there remained some legal concerns. The Office had confirmed that it could go beyond existing national law, meaning that, even if a Member State had an existing economy-wide violence and harassment law, they might have to adopt a new violence and harassment policy just for the platform economy. She therefore asked the Committee to decide whether its intention was to create special additional protections for a subset of the labour market.

**366.** The Government member of Honduras supported the amendment, as social dialogue was one of the pillars of the ILO.

**367.** The Government member of Australia disagreed with how the Employers’ group characterized the implications of the phrase “appropriate measures”. It was his understanding, which he asked the Secretariat to confirm, that it was the responsibility of Members to have robust measures in place, with respect to violence and harassment in this case, and to determine what measures were necessary and appropriate to meet certain benchmarks, including by referencing laws that already applied to other parts of the economy. Ultimately, the ILO supervisory bodies would assess compliance with the requirements of the Convention. The representative of the Secretary-General confirmed that the Government member of Australia’s understanding was correct.

**368.** The Government member of Canada did not support the amendment based on the understanding of “appropriate measures” elucidated by the Government member of Australia and confirmed by the Secretariat, and based on the shared objective of adopting a principle-based Convention. Violence and harassment should be prohibited everywhere.

**369.** The Government member of the United States asked the Secretariat to further define the word “appropriate” in the context of taking measures, noting how it differed from when it was applied to employment status, where it was intended to help distinguish between different forms of employment or work. Applying it to the national ability to take or implement broader measures could cause legal unclarity as the expression “in accordance with national law and practice” did not cover the classification issues.

**370.** The representative of the Secretary-General clarified that, when adopted, the Convention would be included in the global corpus of international labour standards. As per the draft Preamble of the Convention, there were specificities of work via digital labour platforms that made it desirable to adopt specific standards that, together with other international standards, would contribute to the full realization of decent work in the platform economy. The normative gap analysis had noted gaps in the application of certain standards to the platform economy. Convention No. 155 applied to employees, whereas, according to the Occupational Safety and Health Recommendation, 1981 (No. 164), (i) the provisions of Convention No. 155 should be applied to the greatest extent possible to all branches of economic activity and to all categories of workers, and (ii) such measures should be provided as necessary and practicable to give self-employed persons protection analogous to that provided in Convention No. 155. On the contrary, Convention No. 190 applied to all workers, including those not in an employment relationship. The text of proposed Article 6 was based on Convention No. 190, taking into consideration the specificities of digital labour platforms, which was why it underlined protection against violence and harassment perpetuated online or involving third parties. The draft Convention applied to decent work in the platform economy but was guided by existing standards, which the Committee had decided in previous discussions not to cross-reference in the draft Convention as not all Member States had ratified them.

**371.** The Employer Vice-Chairperson insisted that the decision to include self-employed workers should pertain to the entire economy and not just the platform economy to avoid creating a subset of rules specific to the platform economy. This strategic issue would appear throughout the text of the draft Convention.

*(The decision was deferred until all other amendments to Article 5 would have been considered.)*

A.44

**372.** The Employer Vice-Chairperson introduced an amendment to delete the word “effectively” between “to” and “protect”. The word was redundant since, by default, protection measures had to be effective for a Member State to undertake them.

**373.** The Worker Vice-Chairperson did not support the amendment. All protection should be effective.

**374.** The Government member of Mexico did not support the amendment. There was a consensus that all platform workers should have protection. However, these rights were, in certain cases, unequal or inferior to those of other workers and the Committee could not deny the gaps in protection coverage in the platform economy. Some workers in the platform economy were particularly vulnerable and therefore required specific protection. The word “effectively” had specific, important meaning in international human rights and was not redundant because if the measures taken were not effective, obligations under the draft Convention would not be fulfilled.

**375.** In response to a question from the Government member of Australia of whether the removal of the word “effective” would change the meaning of the rest of Article 6, the deputy representative of the Secretary-General explained that the term had been used to emphasize the need for measures that would produce tangible results in addressing violence and harassment and to highlight the outcome-oriented nature of the provision. Even in the absence of the term, supervisory bodies would assess both the measures adopted and their practical application.

**376.** The Government member of Colombia recalled concerns raised by the Employers' group regarding the creation of a dual level of protection for platform workers and emphasized that the purpose of the Committee's work was to establish a new level of protection for a category of workers that currently lacked adequate coverage, noting that similar approaches had been taken in other sectors like the maritime and agricultural sectors.

**377.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Argentina and Singapore did not support the amendment to maintain consistency with existing ILO instruments, including Article 8 of Conventions Nos 190, 189 and 155.

**378.** The amendment was withdrawn.

A.16

**379.** The Government member of India introduced an amendment, seconded by the Employer Vice-Chairperson, to replace the word "protect" with "extend protection against violence and harassment in the world of work as available to other workers, to", and deleting the text "against violence and harassment in the world of work". The proposed change would clarify the intent to extend protection to all workers, including digital platform workers, rather than require the application of new regulations.

**380.** The Employer Vice-Chairperson noted that the amendment spoke to the importance of ensuring equality and consistency of protections across the economy. Digital platform workers should benefit from the same protections afforded to other workers with the same classification status.

**381.** The Worker Vice-Chairperson did not support the amendment as it shifted the intention to linking protections to existing national frameworks rather than the obligation to take appropriate measures to effectively protect all platform workers.

**382.** The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Argentina, Brazil, Indonesia, Colombia, Mexico and the Philippines did not support the amendment as it would limit the scope of protection.

**383.** The Government member of Australia did not support the amendment which risked undermining the principle-based approach having regard to the three criteria that Australia saw as underpinning a principle-based approach: having clear obligations, promoting broad principles of protection, and without reference to the means of country-level implementation.

**384.** The amendment was withdrawn.

A.49

**385.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to add ", especially persons in vulnerable situations" after the phrase "all digital platform workers" to emphasize the particular relevance to especially vulnerable persons like those engaged in on-location platform work and to align with Article 6 of Convention No. 190.

**386.** The Worker Vice-Chairperson supported the amendment as it would help address the risks and challenges faced by workers in vulnerable situations, including women workers fearful of violence and harassment on the job, especially given the exclusion of references to gender-based violence in the draft instruments. The principles and protections contained in Convention No. 190, including gender-based violence, applied to all workers, including platform workers, and the text of the Convention under discussion should not be interpreted as limiting or diminishing those protections.

**387.** The Employer Vice-Chairperson did not support the amendment and considered that identifying particular groups could lead to an open-ended exercise of listing situations and categories requiring protection.

**388.** The Government member of Brazil supported the amendment and requested clarification from the Office regarding existing ILO definitions or lists of persons in vulnerable situations.

**389.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Chile, the Islamic Republic of Iran, and the United States did not support the amendment since the proposed wording and the challenge to define vulnerable persons as a global construct risked diffusing the objective to protect all workers.

**390.** The Government member of Australia did not support the amendment and asked the Secretariat to clarify whether the added text would alter the substance of the obligation or affect the approach of supervisory bodies.

**391.** The Government member of Indonesia supported the amendment on the understanding that Member States retained flexibility to identify vulnerable groups in accordance with national laws and practices.

**392.** The amendment was withdrawn and another amendment (A.21) was withdrawn.

### A.45

**393.** The Employer Vice-Chairperson introduced an amendment to replace "in the world of work, including violence and harassment perpetrated or involving third parties, such as clients and customers" with "when conducting work on or through digital labour platforms". The existing wording was overly broad and the subsequent elements tended towards an exercise of listing specifics that were already covered by the provision.

**394.** The Worker Vice-Chairperson did not support the amendment as the "world of work" was given a specific meaning in Convention No. 190 that extended beyond the performance of work itself, including work-related aspects such as commuting and training sessions. Her group did not agree to narrowing the scope of its meaning nor to deleting the reference to violence and harassment perpetrated online or involving third parties. She asked the Secretariat to clarify if the proposed wording would narrow the scope.

**395.** The representative of the Secretary-General responded that the wording proposed in the amendment would limit the protection provided under Convention No. 190, particularly regarding digitally-mediated (online) violence and harassment involving third parties. Convention No. 190 required third parties to be considered where relevant but did not limit the obligation. The phrase "to the extent possible" would lower the level of protection by comparison.

**396.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia speaking on behalf of the Africa group; Brazil, Colombia, Indonesia, Mexico, the Philippines and Uzbekistan did not support the amendment.

**397.** The Employer Vice-Chairperson proposed a subamendment to retain the reference to violence and harassment perpetrated online or involving third parties while adding "to the extent possible" and to replace "in the world of work" with "in platform work". This would provide greater flexibility in implementation.

**398.** The Worker Vice-Chairperson did not support the subamendment given the lack of clarity on defining "to the extent possible".

**399.** The Government member of the United States supported further efforts to pare down the text, but cautioned against engaging in listing exercises that required research on the legal and practical consequences of the applicability of each word. The discussion concerned the platform economy and the text should therefore include the word “platform” rather than “world of work”. Suggesting that there was no global agreement that violence could be committed purely online and such a proposition was not agreed upon internationally, he questioned the inclusion of such concept in a draft Convention that all parties wished to see widely adopted and ratified.

**400.** The Government members of Indonesia, Singapore, the United Kingdom and Uzbekistan did not support the amendment or the subamendment but agreed to substitute the phrase “platform work” for “the world of work”.

**401.** The Government member of Mexico did not support the amendment or subamendment as a risk to the future compliance by governments or digital platforms. The term “violence and harassment” was an established ILO term defined in Convention No. 190. It should not be separated into distinct concepts that would apply differently to specific actors.

**402.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Australia did not support the subamendment which would dilute the level of protections.

**403.** The subamendment and the amendment were withdrawn.

A.51

**404.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to replace “the world of work” with “platform work” to make the text more specific to the context of the draft Convention.

**405.** The Worker Vice-Chairperson proposed a subamendment to add “digital” before “platform work”. She asked the Secretariat to clarify whether the proposed text would narrow the scope of protection compared to the phrase “the world of work” used in Convention No. 190.

**406.** The representative of the Secretary-General replied that the notion of the world of work was broader. Convention No. 190 applied to violence and harassment in the world of work occurring in the course of, linked to, or arising out of work, covering: in the workplace, including public and private spaces; places where the worker is paid, takes a rest or break or a meal, use a sanitary washing and changing facilities; during work-related trips, travel; and through work-related communications, including those enabled by information and communication technologies in employer-provided accommodation and commuting to and from work. She added that, in the draft Convention, the term used was “work via digital labour platform” and not “platform work”.

**407.** The Employer Vice-Chairperson supported the amendment.

**408.** The Government member of Mexico did not support the amendment which would narrow the intention of the Article and pointed out, in agreement with the Government member of Colombia and the Employer Vice-Chairperson that the Spanish translation of the amendment should be reviewed.

**409.** The Government member of the United States supported the subamendment and raised a concern that the explanation of the Secretariat pointed to a broader concern in its inclusiveness of all digital platform workers, including self-employed, and all their diverse modalities of working. The broad implications of the text were inappropriate for a binding Convention.

**410.** The Government member of Singapore introduced a further subamendment, seconded by the Government member of Uzbekistan, and supported by the Government member of Indonesia, to change “platform work” to “work via digital labour platforms”.

**411.** The Government member of Thailand supported the subamendment proposed by Singapore, which would reduce ambiguity and pointed that the Article would be redundant if it would simply repeat provisions of Convention No. 190.

**412.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Australia, Canada, and the United Kingdom, as well as the Worker Vice-Chairperson did not support the amendment or subamendments which would introduce language that deviated from the terminology in Convention No. 190 and narrow the scope of the Article.

**413.** The Government member of the Islamic Republic of Iran, seconded by the Government member of Indonesia, proposed to replace the word "via" with "through".

**414.** The Employer Vice-Chairperson requested clarification from the Secretariat regarding the use of the terms "through" and "via" and reference in previous versions of the text to "on or through" in relation to digital labour platforms.

**415.** The representative of the Secretary-General explained that the wording in the questionnaire included in the first report prepared for the standard-setting process had referred to work "on or through" digital labour platforms and had subsequently been changed to "via" in the second report [9] to improve readability.

**416.** The Government members of the Islamic Republic of Iran and Singapore withdrew their subamendments and the amendment was withdrawn.

**417.** The Government member of the United States asked for clarification on the impact of the provision on self-employed persons who had their own client base. He wondered to what extent Convention No. 190 would be enforceable in relation to the conduct of clients of a self-employed business owner, including clients found through digital labour platforms. The language "the world of work" and its application of the digital labour platform economy, which cut across many sectors, had not been fully examined. He highlighted the limited ratification rate of Convention No. 190 and wondered if it would be premature to make reference to it in the instrument.

**418.** The Chairperson recalled, based on discussions leading to the adoption of Convention No. 190, that clients and customers were included within the scope of the instrument.

**419.** As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account the discussions with government members, agreed to adopt the Article without amendment. Therefore, amendment A.43 was not adopted and amendments A.10 and A.15 fell.

**420.** Article 6 was adopted without amendment and Part V was adopted.

## Title of Part VI

### A.47

**421.** The Employer Vice-Chairperson introduced an amendment to change the title from "Employment promotion" to "Promotion of decent work" to more accurately reflect the scope of the instrument, which included self-employed platform workers.

**422.** The Worker Vice-Chairperson did not support the amendment as the title would no longer align with the content of Article 6. The promotion of decent work was the objective of the entire Convention under discussion, while Part VI aimed to address the context of

[9] *Realizing decent work in the platform economy*, first report, 2024 (ILC.113/Report V(1)) and second report, 2025 (ILC.113/Report V(2)).

employment policy specifically, which required the use of the word “employment”. She introduced a subamendment for the text to read: “Employment promotion for decent work”.

**423.** The Government members of Argentina and Chile did not support the subamendment since the content of Article 6 concerned opportunities for decent work and did not refer to employment promotion or to the contractual means by which a person worked on a platform.

**424.** The Government members of India and the United States supported the amendment, but not the subamendment.

**425.** The Worker Vice-Chairperson withdrew the subamendment.

**426.** The amendment was adopted and the title of Part VI was adopted as amended.

## Article 7

**427.** Article 7 was adopted.

## New Articles after Article 7

### A.50

**428.** The Employer Vice-Chairperson introduced an amendment proposing to insert after Article 7 a new Article to read:

> Each Member shall take measures to simplify business registration for self-employed platform workers, to strengthen social protection participation and contributions and to facilitate formalization where needed.

**429.** The amendment sought to maximize the formalization potential of the platform economy by simplifying business registration so that entrepreneurs and small businesses, which provided the majority of global demand for online platform work, could more easily access social protection systems.

**430.** The Worker Vice-Chairperson did not support the amendment since concerns regarding social protection and formalization would be taken up in other sections of the draft Convention and because business registration would fall outside the scope of the Committee’s work.

**431.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Canada, Colombia, and Mexico did not support the amendment as the reference to business registration would alter the scope of the draft Convention.

**432.** The Government member of the United Kingdom did not support the amendment which would imply the provision of additional support for platform businesses or self-employed platform workers that was not available to self-employed workers outside platform work.

**433.** The Employer Vice-Chairperson reiterated the intention of the amendment to address issues raised in the first and second discussions, including the concern that certain workers in some jurisdictions fell outside existing systems. The reference to facilitating formalization “where needed” was in recognition that formalization was more relevant in some jurisdictions than others. She proposed a subamendment to delete “to strengthen social protection participation and contributions and”.

**434.** The Worker Vice-Chairperson and the Government member of Thailand did not support the subamendment.

**435.** The Employer Vice-Chairperson introduced a further subamendment to delete after “simplify” the word “business”, after “self-employed platform workers” the phrase “, to strengthen social protection participation and contributions and”, and after “formalization” the phrase “where needed" so that the proposed new Article would read: "Each Member shall take measures to simplify registration for self-employed platform workers to facilitate formalization." Formalization was important for many, not just for businesses.

**436.** The Worker Vice-Chairperson did not support the subamendment. Formalization was indeed a priority, but the topic was better reflected in Articles pertaining to social protection, or in the draft Recommendation. Registration, however, was not part of the Committee's aim.

**437.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment, as registration did not need to be addressed.

**438.** The Government members of Ecuador, Mexico, Argentina, Chile and Colombia supported the subamendment, appreciating the clarity and emphasis on formalization.

**439.** The Government member of Brazil introduced a further subamendment to delete, after "registration for", the term "self-employed" so that the proposed new Article would read: Each Member shall take measures to simplify registration for platform workers to facilitate formalization". The subamendment fell for lack of secondment.

**440.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the Employers' group subamendment because it did not address the issue of decent work.

**441.** The Employer Vice-Chairperson asked the Government member of Namibia whether adding "and decent work" after "formalization" would capture the Africa group's concerns.

**442.** The Government member of Grenada, speaking on behalf of the CARICOM countries, introduced a further subamendment to insert "appropriate" before "measures" and "of all platform workers" after "formalization" so that the proposed new Article would read: "Each Member shall take appropriate measures to facilitate formalization of all platform workers." The platform economy was relatively informal in most cases and singling out self-employed was too restrictive.

**443.** The Employer Vice-Chairperson and the Government members of Oman speaking on behalf of the GCC countries, Chile, Ecuador, and the United States did not support the further subamendment because it departed from the intention to formalize certain self-employed platform workers.

**444.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, and the Government members of Brazil and the Philippines supported the subamendment proposed by the CARICOM countries.

**445.** The Worker Vice-Chairperson also supported the subamendment because formalization applied to all workers and included a breadth of measures like extension of protection that went beyond business registration.

**446.** The Employer Vice-Chairperson recalled that the scope of the instrument covered employees, the self-employed, and, in some countries, established third categories. However, successive amendments appeared not to reflect that shared understanding, to the point that formalization measures were being opposed.

**447.** The Worker Vice-Chairperson reiterated her support for formalization but that it should be dealt with under other provisions, such as one pertaining to social security.

**448.** The Government members of Brazil, and Cyprus, speaking on behalf of the EU and its Member States, noted that "all platform workers" included self-employed workers.

**449.** At the request of the Government member of Cyprus, speaking on behalf of the EU and its Member States, the representative of the Secretary-General confirmed that the subamendment was in line with Recommendation No. 204.

**450.** The Government member of Australia supported the subamendment. Formalization related more closely to decent work than business registration, which was more in the realm of commercial law. Moreover, the text of the original amendment was perhaps too prescriptive and better suited for the Recommendation.

**451.** The Government member of Indonesia did not support the subamendment.

**452.** The Government member of Namibia, speaking on behalf on the Africa group, proposed a further subamendment for the text to read: “Each member shall take appropriate measures to facilitate formalization of digital labour platform work, including registration of self-employed”.

**453.** The Government member of Mexico supported the subamendment proposed by the Africa group because it called on Member States to facilitate not just registration but the formalization of digital platform workers, including self-employed workers.

**454.** The Government member of Colombia also supported the subamendment. It would allow informal workers to be registered and enable contributions to be made. It would also facilitate formalization for platforms and retain workers’ freedom to remain self-employed.

**455.** The Employer Vice-Chairperson and the Government members of Grenada, speaking on behalf of the CARICOM countries, Brazil, Chile, and Switzerland supported the subamendment.

**456.** The Worker Vice-Chairperson proposed to replace “of self-employed” with “to ensure effective social protection” to avoid narrowing the scope to the self-employed and to reintroduce the reference to social protection.

**457.** The Employer Vice-Chairperson and the Government member of Chile did not support the subamendment of the Workers’ group.

**458.** The Government members of Ecuador and Indonesia supported the subamendment proposed by the Africa group, but not the proposal by the Workers’ group.

**459.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Africa group and asked the Secretariat for an explanation on what “registration” would include according to Recommendation No. 204.

**460.** The representative of the Secretary-General noted that “registration” was referred to in paragraph 25 of Recommendation No. 204 and applied to workers or economic units. Therefore, depending on the national context it could be business registration, tax registration or social security.

**461.** The Government member of Singapore raised concerns that registration may inadvertently produce administrative burdens that may become a barrier for platform workers to access protections.

**462.** The Government member of Argentina supported the subamendment proposed by the Africa group, but, seconded by the Employers’ group, suggested to add the words “digital platform workers” after “self-employed” to ensure the target group was clear.

**463.** The Worker Vice-Chairperson withdrew the subamendment.

**464.** The Government members of Brazil, Brunei Darussalam and Türkiye appreciated the subamendment of Argentina but wondered whether it was necessary as the sentence already made clear that self-employed workers were part of digital platform work.

**465.** The Government member of Argentina explained his intention was to reflect a new law passed in Argentina concerning the definition of platform workers. Despite seeming redundant, the proposed phrasing would make clear that the target group was informal self-employed digital platform workers.

**466.** The Government member of the United States supported the subamendment as it provided additional legal clarity.

**467.** The Worker Vice-Chairperson asked the Secretariat what the most appropriate term would be to refer to “self-employed” so as to ensure consistency throughout the instruments.

**468.** Following the clarification from the Secretariat that Article 1 of the draft instrument did not use the term “self-employed” but “workers who are not in an employment relationship” which included the self-employed, the Worker Vice-Chairperson proposed a subamendment to change “self-employed” to “workers who are not in an employment relationship” to ensure consistency.

**469.** The Employer Vice-Chairperson noted that the term “self-employed” was used in other international labour standards and so should be acceptable.

**470.** The Government member of Chile asked the Office whether Article 2(1)(b) of the draft Convention applied to all its provisions. If so, it would not be necessary to incorporate its specific wording in the Article under discussion, and only “self-employed” could be retained.

**471.** The representative of the Secretary-General confirmed that the scope established in Article 2(1)(b) included all categories of persons working in the platform economy.

**472.** The Government member of Argentina and the Worker Vice-Chairperson withdrew their subamendments.

**473.** The amendment was adopted as subamended and the new Article was adopted.

## Proposal to insert a new part and new Article after Article 7

A.52

**474.** The Employer Vice-Chairperson introduced an amendment to insert, after Article 7, a new Part and a new Article as follows:

> **Protection of the rights of digital labour platforms**
>
> **Article**
>
> Each Member shall ensure that the measures in this instrument protect and do not interfere with or compromise commercially sensitive information, intellectual property or trade secrets of digital labour platforms.

**475.** The ILO was concerned with advancing decent work, which also required attention to the rights of employers. Several provisions in the draft Convention could put commercially sensitive information, intellectual property and trade secrets at risk, which would affect the ability of businesses to operate, innovate and protect their intellectual capital. The amendment sought to address those concerns.

**476.** The Worker Vice-Chairperson did not support the amendment. The ILO Constitution set out the Organization’s mandate as the pursuit of social justice through workers’ rights and conditions of work. The purpose of the draft Convention was to protect workers and regulate working conditions, not establish or expand corporate intellectual property rights. The refusal of digital labour platforms to disclose information and the opacity of their working methods, often justified on grounds of commercial sensitivity, affected workers’ ability to challenge deactivation, loss of income, discrimination and unsafe working conditions. During informal consultations, the Secretariat had clarified that the Committee’s work was not to regulate technology, but to regulate work, including where automated systems affected working conditions and access to work.

**477.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Mexico, Canada, Colombia, Uzbekistan, and Australia did not support the amendment. While intellectual property rights and commercial secrets were important, the regulation of such matters fell outside the scope of the draft Convention and the mandate of the ILO. The addition would interfere with the transparency sought by the Committee to enable workers to understand decisions affecting their work and could create an obligation for Governments to guarantee intellectual property rights. The focus of the draft Convention was on the implementation of measures by Member States, and neither the draft Convention nor the Blue report required the disclosure of trade secrets or commercially sensitive information.

**478.** The Employer Vice-Chairperson recalled that the Committee had already decided that the scope included self-employed workers and MSMEs, making the discussion fundamentally about business and commercial relationships, which was unprecedented in international labour standards. The ability of businesses to innovate and protect innovations was critical to provide the work opportunities that the Convention aimed to protect. The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), already called for the establishment and application of legal provisions relating to the protection of intellectual property rights.

**479.** The Government member of the Islamic Republic of Iran noted that the use of "shall" created a legal obligation and that more flexible wording might be necessary.

**480.** The Government member of Colombia asked the Employers' group which elements of the draft text presented a risk to trade secrets and intellectual property.

**481.** The Employer Vice-Chairperson cited proposals advanced during the first standard-setting discussion, including mandatory source-code sharing and consultation requirements involving external parties, as examples of provisions that could threaten commercially sensitive information. Requiring digital labour platforms to disclose their underlying technology to persons outside business management raised concerns from a commercial perspective.

**482.** The Government member of the United States introduced a subamendment to delete the words "protect and", considering that it fell outside the ILO's mandate. While questioning the need for the amendment, some text might be necessary to ensure that the instrument did not interfere with or compromise commercially sensitive information.

**483.** The Employer Vice-Chairperson seconded the subamendment.

**484.** The Government member of Singapore introduced a further subamendment to add "unreasonably" before "interfere", which was seconded by the Employers' group.

**485.** The Government member of Brazil and Mexico did not support the subamendments advanced by the Government members of the United States and Singapore. Workers had fewer protections than companies and needed transparency regarding their classification and access to work. Intellectual property and industrial property rights were already protected through other instruments, whereas the draft Convention focused on algorithmic systems and their impact on working conditions.

**486.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions, the amendment was not adopted and an amended version of the proposed new Article was inserted as new paragraph 4 in Article 23 (see paragraph 1271 below).

## Title of Part VII

A.70

**487.** The Employer Vice-Chairperson introduced an amendment to change the proposed title from "Classification in respect of the existence of an employment relationship" to "Work relationship". The wording better reflected the platform economy, which included different types of classification.

**488.** The Worker Vice-Chairperson did not support the amendment. The proposed title no longer reflected the substance of the part's content concerning the determination and classification of employment relationships.

**489.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Canada did not support the amendment.

**490.** The Government members of Brazil, Colombia and Mexico suggested discussing the substance of the provision before considering its title.

**491.** When resuming the discussion at a later sitting, after having considered Article 8, the Government member of Mexico introduced a subamendment for the title of Part VII to read: "Classification of digital platform workers' status in employment", reflecting a compromise reached among several Government members and the Employers' and Workers' groups in the context of discussions on Article 8.

**492.** The amendment was adopted as subamended. Consequently, another amendment (A.137) fell.

**493.** The title of Part VII was adopted as amended.

## Article 8

A.74

**494.** The Employer Vice-Chairperson introduced an amendment to replace the text after "workers in" with "line with national laws and regulations". The change would simplify the provision and ensure that the appropriate classification of digital platform workers was implemented in line with national laws and regulations.

**495.** The Worker Vice-Chairperson did not support the amendment. It would remove substantive guidance from the provision and weaken protections against misclassification.

**496.** The Government members of the United Kingdom and Australia did not support the amendment. Correct classification of employment status was fundamental to determining workers' rights and protections and should be based on the facts relating to the performance of work rather than contractual labels. The draft text provided sufficient flexibility for implementation within different legal systems.

**497.** The Government member of Canada did not support the amendment as misclassification undermined workers' access to labour and social protections, distorted competition and reduced public revenues.

**498.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Mexico, Colombia, Norway, the Philippines and Uzbekistan did not support the amendment. The primacy of facts in determining employment status constituted a core principle of the Convention and provided sufficient flexibility for implementation within national legal systems.

**499.** The Government member of Brazil did not support the amendment. Governments were already acting in line with national laws and regulations, but this was not preventing misclassification.

**500.** The Government member of the United States supported the amendment. Classification frameworks varied significantly across jurisdictions, and requiring countries to align with the specific factors drawn from the Employment Relationship Recommendation, 2006 (No. 198) through a binding Convention would discourage ratification, complicate implementation and disregard the diversity of national approaches, including those grounded in the totality of circumstances and the economic reality of the working relationship. The Article should require governments to take measures to ensure the appropriate classification of digital platform workers in accordance with national law and practice without prescribing a single classification methodology.

**501.** The Government members of Argentina, Chile, Costa Rica, Ecuador, Israel, Malaysia, the Islamic Republic of Iran, Peru and India supported the amendment. They considered that the classification of employment relationships should be determined in accordance with national legal frameworks and that the proposed wording would provide flexibility while respecting national sovereignty and legal diversity.

**502.** The Government member of Israel asked the Secretariat if a country would be considered compliant with the Article if employment relationships were determined by case law, or if it would be necessary for it to legislate.

**503.** The representative of the Secretary-General clarified that Article 8 established a principle-based approach to the correct classification of digital platform workers in respect of the existence of an employment relationship, which had to be guided primarily by the facts. It was for Member States, however, to determine how to implement the principle. The Article did not require the adoption of a legislation on classification of workers; it could also be implemented through court decisions, for example, or other means consistent with Article 23 of the draft Convention.

**504.** The Employer Vice-Chairperson asked the Secretariat whether the reference to Article 23 on court decisions would still apply if the amendment introduced by the Employers' group to the title of Part VII (A.70) was adopted.

**505.** The Worker Vice-Chairperson asked the Secretariat if the original Office text stating that correct classification should be guided primarily by the facts related to the performance of work, would still allow for implementation in accordance with national law and practice, including through judicial processes.

**506.** The representative of the Secretary-General clarified that proposed Article 23 of the draft Convention and the possibility to implement the eventual Convention through court decisions applied regardless of the adoption of the amendment. However, the amendment would modify the nature of the obligations under Article 8, as it would remove the duty to abide by the principle of primacy of facts.

**507.** The Employer Vice-Chairperson stated that classification was a matter of national law and should remain so. The amendment had been drafted to allow for any measures necessary to ensure appropriate classification, including measures addressing misclassification where relevant. This should not imply a presumption that businesses were failing to comply with existing rules. The objective was to ensure appropriate classification while preserving flexibility for implementation under national systems. Given the diversity of national approaches, it would be difficult to agree on a common list of factors for determining classification. Such a list could also create inconsistencies with existing national classification frameworks and pose challenges for adoption and ratification. She recalled that the standard-setting discussions on the question of contract labour at the 85th (1997) and

86th Sessions (1998) of the Conference, which had failed to reach an outcome, had stalled because of a lack of agreement on the same issue and emphasized the need for principle-based language.

**508.** The Worker Vice-Chairperson agreed on the need for a principle-based Convention and considered that the relevant principle was that the classification of workers should be guided by the facts relating to the performance of work. The application of that principle would remain a matter for national systems, as with other principles set out in the Convention. When workers were labelled as self-employed despite being in a subordinate relationship, the burden of proof fell on them. The Office text reflected the principle that classification should be guided by the facts of the situation rather than contractual labels. The primacy of facts was a core component of Recommendation No. 198 and was meant to address disguised employment relationships. Therefore, referencing Recommendation No. 198 was not prescriptive but necessary to give effect to a universally recognized principle.

**509.** The Government member of Australia considered that the Article should establish a normative standard for the classification of workers rather than simply require Member States to ensure compliance to avoid misclassification.

*(The decision on A.74 was taken after the Committee had considered all the proposed amendments to draft Article 8. See paras 540–550 below.)*

A.71

**510.** The Employer Vice-Chairperson introduced an amendment to add ", where applicable" after "Each Member shall". In some countries, classification already worked well and, in some jurisdictions, there were dedicated laws on classification in the platform economy. The provision would therefore not be applicable everywhere.

**511.** The Worker Vice-Chairperson did not support the amendment. It was either superfluous or might be understood to undermine the need to take measures.

A.66

**512.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to include "effective and appropriate" between "Each Member shall take" and "measures". The amendment sought to ensure that Member States adopted measures that effectively enabled workers to obtain the correct classification of their employment status and were appropriate to national circumstances.

**513.** The Worker Vice-Chairperson and the Government member of Canada supported the amendment.

**514.** The Employer Vice-Chairperson indicated that, before adding qualifiers to the text, it would be useful to know how the remainder of the paragraph would be formulated.

A.91

**515.** The Worker Vice-Chairperson introduced an amendment to add "effectively combat misclassification of status in employment in the platform economy and", after the terms "Each Member shall take measures to". Platform workers were sometimes misclassified as independent workers and thereby denied rights and protections. Misclassification could be deliberate and used as a business model to avoid the costs and responsibilities associated with employment relationships, transferring the costs and risks of work to workers themselves. The consequences were significant, as workers could be denied rights relating to minimum wages, working time, OSH, and social protection. Members should therefore be required to take effective measures to combat misclassification, as correct classification was important not only for workers concerned, but also for employers, social protection systems and society.

**516.** The Employer Vice-Chairperson did not support the amendment. It was redundant because measures to ensure appropriate classification already captured issues related to misclassification. She expressed concern that the Workers' group did not sufficiently recognize the existence of genuine self-employed workers in the platform economy. The Committee had agreed that different approaches to classification existed across jurisdictions and that the platform economy encompassed workers who are in an employment relationship, self-employed workers, and a third category, where applicable.

**517.** The Government member of Canada supported the amendment.

**518.** The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Chile, Singapore, Mexico, Colombia, Türkiye, Uzbekistan, the Philippines, Malawi, and the United Kingdom, did not support the amendment. "Correct classification" already covered the issue of misclassification.

**519.** The Government member of Australia could support the amendment but preferred the Office text. Measures to ensure correct classification already encompassed measures to address misclassification, and this could be clarified in the record of proceedings.

**520.** The Government member of Switzerland considered it difficult to take a position on the amendment in isolation, as related amendments had been bracketed. He therefore favoured discussing those amendments before deciding on the present proposal.

**521.** The Government member of Mexico asked the Secretariat whether the phrase "guided primarily by the facts" provided sufficient room for manoeuvre for Member States regarding the elements referred to in Article 8. In his view, the word "primarily" allowed other elements to be considered and therefore provided sufficient flexibility. He requested guidance from the Secretariat on the use of similar wording in other instruments.

**522.** The amendment was withdrawn.

### A.72 and A.138

**523.** The Employer Vice-Chairperson introduced an amendment (A.72) to replace "correct" with "appropriate" before the word "classification". Classification frameworks varied significantly across jurisdictions, which the instrument should recognize without imposing a single global standard.

**524.** The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, India, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates and the United States, introduced an identical amendment (A.138). The replacement was substantive rather than semantic. The term "correct" carried an evaluative connotation and could imply the existence of a single predetermined outcome for the classification of employment relationships. "Classification", however, depended on the facts of each case and national legal frameworks and could therefore vary across jurisdictions. The word "appropriate" ensured that the classification process was conducted rigorously and in accordance with national law, without presupposing a single outcome, and was consistent with established ILO terminology, including Recommendation No. 198.

**525.** The Worker Vice-Chairperson did not support the amendment. The Secretariat had already clarified that "correct classification" meant classification based on the facts of the situation and did not predetermine the outcome of that assessment.

**526.** The Government members of China, Argentina and Indonesia supported the amendment, emphasizing the need to reflect national diversity in determining employment relationships.

**527.** The Government member of India supported the amendment, reiterating the arguments presented by the Government member of Switzerland.

**528.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries, the United Kingdom, Canada and Mexico did not support the amendment. As clarified by the Secretariat, "correct" reflected a principle-based approach and did not imply a uniform outcome.

**529.** The Government member of Namibia, speaking on behalf of the Africa group, expressed preference for the Office text, while indicating some flexibility.

**530.** The Worker Vice-Chairperson noted the broad support for the Office text. Although Article 8 was of particular importance to the Workers' group, she expressed willingness, in the interest of consensus, to withdraw all amendments submitted by her group if the proponents of other amendments did likewise, so that the Committee could adopt the original Office text.

**531.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Australia, the United Kingdom, Colombia, and Mexico expressed support for the proposal of the Worker Vice-Chairperson.

**532.** The Employer Vice-Chairperson indicated that she could not withdraw her amendments, as her group had concerns regarding the original Office text.

**533.** The Government member of the United States, speaking also on behalf of the Government member of Switzerland, could not accept the proposal of the Worker Vice-Chairperson.

A.73

**534.** The Employer Vice-Chairperson introduced an amendment to insert after "platform workers," the phrase "which is often civil and commercial relationships" with the intent to ameliorate issues of legal ambiguity with respect to the employment relationship in the Office text. The Committee had already agreed that the draft Convention covered employees, self-employed workers, and, where applicable, workers in a third category. In keeping with that spirit, the provision should make clear that it also encompasses the broader range of work arrangements such as those based on civil and commercial relationships.

**535.** The Worker Vice-Chairperson introduced a motion to close the discussion of Article 8 based on articles 41and 15(3)(e) of the Standing Orders of the International Labour Conference due to lack of progress in arriving at consensus on the text Article.

**536.** The Employer Vice-Chairperson expressed concern that amendments from various constituents had not yet been introduced or discussed, and thus all paths towards achieving consensus on proposed Article 8 had not been exhausted. She also expressed concern that the Workers' group's motion to close discussion would lead to votes on each of the eight amendments that had already been introduced, jeopardizing the Committee's prospects for social dialogue and a consensus-based outcome.

*(The work of the Committee was suspended to allow consultations among its members.)*

**537.** When resuming the discussion at a later sitting, the Worker Vice-Chairperson, noting the progress made in tripartite consultations towards reaching consensus, withdrew the motion to close the discussion on Article 8.

**538.** The Employer Vice-Chairperson welcomed the constructive dialogue, which had led to a possible compromise text reflecting the concerns of all parties. She underscored the importance of Article 8 and reiterated the Employers' willingness to continue the dialogue.

**539.** The Government member of the Niger welcomed the withdrawal of the motion and the ongoing consultations among the social partners, but recalled that a similar situation had arisen during the first discussion without resulting in agreement. He emphasized the need for flexibility and a tripartite approach.

**540.** When resuming the discussion at a later sitting, the Government member of Mexico introduced a subamendment to A.74 for Article 8(1) to read:

> Each Member shall take appropriate measures to ensure the correct classification of digital platform workers in respect of the existence or non-existence of an employment relationship, guided mainly by the facts relating to the performance of work, the remuneration or payment of the digital platform worker, among other elements, and considering the specificities of work via digital labour platforms.

**541.** The proposal was the outcome of extensive tripartite consultations involving many Governments and the Employers' and Workers' groups. The text aimed to establish a principle-based approach consistent with the Committee's mandate while preserving flexibility for Member States.

**542.** The Worker Vice-Chairperson supported the subamendment. While the Workers' group preferred the Office text, she appreciated the considerable efforts undertaken to reach a compromise acceptable to all constituents.

**543.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Switzerland, Brazil, India, Malawi, New Zealand, Argentina, Australia, Colombia, Singapore, Malaysia, Uruguay, Zimbabwe, Eswatini, Türkiye, Nigeria, Norway, China, Uzbekistan, Peru, Chile, and Bangladesh supported the subamendment and welcomed the compromise reached through tripartite dialogue. In its intervention in support of the consensus, the Government member of Cyprus, speaking on behalf of the EU and its Member States, underlined that the compromise translated into the Convention the principle of the primacy of facts.

**544.** The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the subamendment. It preserved the principles of the Office text, particularly the emphasis on a factual assessment of the work relationship, while introducing clarifications. The references to the existence or non-existence of an employment relationship and to "other elements" reinforced the flexible and principle-based nature of the provision and preserved Member States' ability to determine employment relationships in accordance with national contexts.

**545.** The Government member of the United States supported the subamendment noting that the proposed text would assist countries in addressing misclassification.

**546.** The Government member of Indonesia supported the subamendment. It provided a balanced and practical approach to classification by recognizing that the existence or non-existence of an employment relationship should be determined primarily based on factual elements, including the performance of work and remuneration, while also allowing consideration of other relevant factors. He underscored the diversity of platform work arrangements, including differences in levels of control, economic dependency and organization of work across sectors, and welcomed the reference to the specificities of platform work as a means of avoiding a one-size-fits-all approach.

**547.** The Employer Vice-Chairperson supported the subamendment as it represented a strong basis for progress and reflected the value of tripartite social dialogue. The group wished to underline and reiterate how they understood and interpreted Article 8 and all measures falling under the Article. National laws and practices governing the classification of workers varied significantly across jurisdictions. The instrument must respect the existence or non-existence of an employment relationship and the different approaches governments used to determine worker classification. The instrument should leave no room for legal ambiguity or inadvertent implications wrongly pointing towards the existence of one single correct classification or that the only possible classification was that of employees. The reference to existence or non-existence of an employment relationship constituted a clear recognition that the platform economy included employees, self-employed and, where applicable, third categories. The provision must therefore be considered and applied in accordance with national laws and practices and the various ways each country gave effect to the question of classification.

**548.** In addition, this point was also properly reflected in the title of the part, as much as in the content of the Article. The title "classification of digital platform workers status in employment" respected and recognized the different types of workers in the platform economy, namely employees, self-employed workers and, where applicable, third-category workers. This diversity was firmly acknowledged by the Committee last year and there was no need to reopen the debate on whether these categories existed. Similarly, this understanding had been expressed many times by the Secretariat itself and was reflected in the record of proceedings. The Committee was now discussing a binding Convention that would have implications for all these categories and for the diverse arrangements they encompassed. That reality must therefore be reflected consistently throughout the whole instrument.

**549.** Third, it was true that in some jurisdictions, classification was determined on the basis of facts. In many Member States, however, classification was determined by numerous other elements enjoying equal importance regarding appropriate classification, including the terms of contracts, opportunity for profit and loss, exclusivity, and any investments made by the worker, for example. The adopted text, with the reference to "guided mainly by the facts relating to the performance of work, the remuneration or payment of digital platform workers, among other elements, and considering the specificities of work via digital labour platforms", did include these elements at equal level of importance as facts.

**550.** The amendment (A.74) was adopted as subamended and the nine other amendments fell (A.139, A.71, A.66, A.72, A.138, A.73, A.140, A.92, A.94).

**551.** Article 8 was adopted as amended and Part VII was adopted as amended.

## Title of Part VIII

A.98

**552.** The Worker Vice-Chairperson introduced an amendment for the title to read: "Remuneration or payment, fees and costs, and working time" to align the title with the content of the part, assuming further amendments concerning fees, costs and working time would be adopted.

*(The decision was deferred until all other amendments to Part VIII would have been considered.)*

**553.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions, the amendment fell and the title of Part VIII – Remuneration and payment – was adopted without amendment.

### Article 9(1)

A.80

**554.** The Government member of the United Kingdom, speaking also on behalf of the Government members of Japan, Switzerland, Türkiye and Uzbekistan, introduced an amendment for the text after "paid in full" to read: ", subject to lawful deductions and in a timely manner, to the extent authorized by national laws and regulations or collective agreements, and by lawful means of payment, including electronic transfer where permitted under national laws and regulations."

**555.** The amendment aimed to improve clarity and coherence, safeguard workers' entitlement to full and timely payment, recognize lawful deductions, including those relating to tax and social security systems, while protecting against unlawful deductions, accommodate diverse payment schedules and digital means of payment, and strengthen worker protections by removing references to payment in kind.

**556.** The Employer Vice-Chairperson and the Worker Vice-Chairperson sought clarification on the treatment of in-kind payments under the proposed wording. While the Employer Vice-Chairperson supported the amendment in principle, the Worker Vice-Chairperson provisionally supported references to lawful deductions, timely payment and lawful means of payment, but not in-kind payments.

**557.** The Government member of the Islamic Republic of Iran supported the amendment. References to timely payment and lawful means of payment were positive but lawful deductions should be limited, transparent and subject to effective oversight to prevent misuse.

**558.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment as it would make the provision more prescriptive.

**559.** The Government member of Chile supported the amendment, as it would facilitate formalization and appropriately reflected the growing use of electronic payments. The wording should be flexible enough to accommodate future developments in payment systems.

**560.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment.

**561.** The Government member of the United Kingdom clarified that in-kind payments would remain permissible where authorized under national laws and regulations.

**562.** In light of this clarification, the Employer Vice-Chairperson and the Government member of Oman, speaking on behalf of the GCC countries, supported the amendment.

**563.** The Government member of Mexico requested clarification from the Secretariat regarding the meaning of "payments in kind" in ILO instruments.

**564.** The deputy representative of the Secretary-General explained that the Protection of Wages Convention, 1949 (No. 95), permitted partial payment of wages in kind under specific conditions, including that such payments be customary, appropriate for the personal use and benefit of the worker and their family, and fairly valued. Convention No. 189, also provided that the proportion of remuneration paid in kind should be limited.

**565.** Following the clarification provided by the Secretariat, the Government members of Namibia, speaking on behalf of the Africa group, and Mexico supported the amendment.

**566.** The amendment was adopted and, as a result, another amendment (A.77) fell.

**567.** Two amendments (A.99 and A.146) were withdrawn and Article 9, paragraph 1 was adopted as amended.

## Article 9(2)

### A.126

**568.** The Employer Vice-Chairperson introduced an amendment to delete paragraph 2 of Article 9. Remuneration and compensation for work-related expenses were already regulated under national legal frameworks and there was no justification for creating platform-specific obligations, particularly given the diversity of the platform economy. The provision could also create difficulties for countries without minimum wages.

**569.** The Worker Vice-Chairperson did not support the amendment. Adequate remuneration and compensation for work-related expenses were fundamental principles set out in the ILO Constitution and the Declaration of Philadelphia and were particularly important for digital platform workers. Wage levels required to ensure a decent standard of living had been set out in the Meeting of Expert on Wage Policies, including living wages (February 2024), and the Office had developed methodologies for their estimation. Compensation for work-related expenses was also critical, as platform workers, particularly those not recognized as employees, were required to bear costs that would otherwise be assumed by enterprises, thereby reducing their effective remuneration.

**570.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**571.** The Government member of Mexico did not support the amendment. While amendments to the text may be necessary, provisions protecting workers' rights should be retained.

**572.** The Government member of Brazil did not support the amendment. Decent living wages were at the core of the Convention. The Office text already accommodated countries without minimum wages through the qualifier "if any".

**573.** The Government members of Namibia speaking on behalf of the Africa group, Australia, Colombia, and the Philippines did not support the amendment.

**574.** The amendment was withdrawn.

### A.127

**575.** The Employer Vice-Chairperson introduced an amendment to replace subparagraphs (a) and (b) with "receive remuneration in accordance with applicable national laws and regulations or collective agreements" for the same reasons as those cited during discussion of A.126.

**576.** The Worker Vice-Chairperson did not support the amendment. Deleting references to adequate remuneration and compensation for work-related expenses would weaken workers' protection.

**577.** The Government member of Brazil did not support the amendment. The proposed wording added little value, as Governments were already required to act in accordance with national laws and regulations.

**578.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**579.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Uruguay, and Australia also did not support the amendment as it fundamentally altered the character of the provision by removing the requirement that remuneration be adequate.

**580.** The Government member of New Zealand supported the amendment but preferred retaining a reference to "adequate" remuneration.

**581.** The Employer Vice-Chairperson withdrew the amendment but encouraged Governments to consider whether the proposed text would create a distinct remuneration framework for platform workers alongside existing national systems.

### A.101 and A.130

**582.** The Worker Vice-Chairperson introduced an amendment (A.101) to delete the limitation "in an employment relationship" so that the remuneration protections in Article 9(2) would apply to all digital platform workers. Many platform workers, including those not recognized as employees, faced depressed earnings through opaque algorithmic pay-setting, commission rates, piece-rate models, unpaid waiting time and unreimbursed work-related expenses. Adequate remuneration and compensation for costs should be granted regardless of employment status.

**583.** The Government member of China, who submitted an identical amendment (A.130), stated that their amendment reflected current regulations and practices in China. Given the diversity, complexity and ambiguity of platform work, an excessive focus on classification would make consensus more difficult. It was preferable to focus on protecting the basic rights of platform workers, including OSH, income security and occupational insurance, irrespective of employment status.

**584.** The Employer Vice-Chairperson did not support the amendment as it would contradict the labour relations frameworks applied around the world. It was not possible to have a minimum wage or compensation for expenses for self-employed workers.

**585.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Under proposed paragraph 3 of the Article, Member States could, to the extent possible and as appropriate, extend the measures adopted to digital platform workers who are not in an employment relationship, thus making the proposed text redundant.

**586.** The Governments member of Brazil supported the amendment as did the Government member of Australia, who recalled that during the first discussion in 2025 the agreed preference had been for a Convention of general applicability, covering all platform workers irrespective of their classification. The text as amended by the Worker Vice-Chairperson would provide sufficient flexibility to set the minimum standards associated with remuneration for all digital platform workers.

**587.** The Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Mexico, New Zealand, Chile, Norway, Japan, Türkiye, Uzbekistan and India did not support the amendment.

**588.** The Government member of Singapore did not support the amendment as it would be important to keep the coverage of the draft Convention broad and respect the autonomy of workers to choose their employment arrangements, payment and more.

**589.** The Worker Vice-Chairperson acknowledged that there was no general support for the amendment but having seen some support and given the criticality of the issue, she did not withdraw the amendment, but did not block the consensus for not adopting it.

**590.** The amendments were not adopted. As a consequence, another amendment (A.102) was not adopted.

### A.67 and A.148

**591.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment (A.67) to delete the text “that is adequate” after “remuneration” given the vagueness of the term and understanding that wages which were negotiated within many countries would be, by default, adequate. The Government member of Malayasia had submitted an identical amendment (A.148).

**592.** The Employer Vice-Chairperson supported the amendment and appreciated its alignment to the principle of producing an instrument compatible with the diverse practices existing within countries.

**593.** The Worker Vice-Chairperson did not support the amendment as it contradicted the principle that all pay for workers should be adequate.

**594.** The Government members of Oman, speaking on behalf of the GCC countries; the United States, India and Uzbekistan supported the amendment.

**595.** The Government member of Canada asked the Secretariat if other ILO Conventions referred to an "adequate minimum wage" and whether, in that context, the term "adequate" could be defined.

**596.** The deputy representative of the Secretary-General explained that the term "adequate" was often used in relation to wages or remuneration. There was no official ILO definition of adequate remuneration, but the *Manual for drafting ILO instruments* indicated that the term "adequate" gave Member States a certain level of discretion. The term appeared in several Conventions and in the Preamble to the ILO Constitution, which referred to adequate living wages. The Conclusions of the Tripartite Meeting of Experts on Wage Policies, including Living Wages, adopted in 2024, had observed that wage-fixing processes rested on two pillars: the needs of workers and their families, including the cost of living; and economic factors such as productivity. The term "adequate" was often used to refer to situations in which those two sets of factors were taken into account while allowing flexibility to determine the exact level.

**597.** The amendments were adopted.

A.103

**598.** The Worker Vice-Chairperson introduced an amendment to insert "inclusive of periods of time during which they are waiting for work," after "receive remuneration that is adequate" and a subamendment to insert "that is" so that the text would read: "receive remuneration that is inclusive of periods of time during which they are waiting for work, and the amount …". The amendment would ensure that periods during which workers were waiting for work or at the disposal of the enterprise be counted as paid time, regardless of the employment relationship. A platform worker's pay should be inclusive of periods of time that they spent waiting for work. Through no fault of their own, platform workers could face delays while working, like waiting for food preparation at a restaurant before delivery. It would be unfair to platform workers for platforms to externalize those costs by leaving it to workers to bear the burden of that waiting time without being paid for it. Digital platform workers' remuneration should be inclusive of periods of time for which they were waiting for work as they could not spend that time as they pleased.

**599.** The Employer Vice-Chairperson did not support the amendment because the text blurred the lines between independent or self-employed workers and workers in an employment relationship.

**600.** The Government members of Namibia, speaking on behalf of the Africa group, Cyprus, speaking on behalf of the EU Member States; Uzbekistan, the United States, India, China, Japan and Singapore did not support the amendment as being too prescriptive and inconsistent with the reality of platform work.

**601.** The Worker Vice-Chairperson proposed a subamendment to replace the phrase "waiting for work" with "at the disposal of the digital labour platform" to reflect the language used in the definition of hours of work included in the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). As the Committee of Experts had emphasized, both Conventions defined hours of work based on the criteria of being at the disposal of the employer and, in time counted as hours of work, the employee must be entitled to remuneration for such time, including overtime.

**602.** The Government members of the Philippines and Australia supported the subamendment.

**603.** The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU Member States, Malaysia, and Chile, did not support the subamendment.

**604.** The amendment was not adopted and another amendment (A.141) fell.

A.68

**605.** The Government member of Cyprus, speaking on behalf on the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to add “according to national law and practice” to add flexibility to the text.

**606.** The Employer Vice-Chairperson and the Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf on behalf of the Africa group; India, New Zealand, Singapore, the United States, Türkiye, Honduras, Uzbekistan, the Philippines, Switzerland, the Islamic Republic of Iran, Argentina and Malaysia supported the amendment for its added implication of flexibility.

**607.** The Worker Vice-Chairperson and the Government member of Uruguay did not support the amendment. The Worker Vice-Chairperson asked the Secretariat whether “according to national law and practice” would be better placed at the end of the sentence to ensure the intended meaning to protect national flexibility in implementation, rather than the principle that there should be compensation, which the deputy representative of the Secretary-General confirmed.

**608.** The Worker Vice-Chairperson introduced a subamendment to move “according to national law and practice” after “reasonably compensated”. The Government member of Cyprus, speaking on behalf on the EU and its Member States, supported the subamendment.

**609.** The Government member of Brazil wondered if the multiple insertions of the phrase “according to national law and practice” nullified the value of an international instrument.

**610.** The amendment was adopted as subamended.

A.105

**611.** The Worker Vice-Chairperson introduced an amendment to remove “reasonably” before “compensated”. Persons having to pay expenses or costs incurred in the performance of their work should be compensated for those costs.

**612.** The Employer Vice-Chairperson did not support the amendment.

**613.** The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Oman, speaking on behalf of the GCC countries; Brazil; and Uzbekistan supported the amendment.

**614.** The amendment was adopted.

**615.** An amendment (A.149) submitted by the Government member of Malaysia for the first part of subparagraph (b) to read “are compensated, where applicable,” was not seconded and therefore not discussed.

**616.** Article 9, paragraph 2 was adopted as amended.

## Article 9(3)

A.83 and A.57

**617.** The Employer Vice-Chairperson introduced an amendment (A.83) to delete the text of Article 9(3) because it blurred the distinction between employees and self-employed workers. The text would contradict the agreements reached by the Committee under the Articles concerning definition and scope, as well as Article 9(2), that there was a distinction between employees and those not in an employment relationship in national legal frameworks and labour laws, and that the content of Article 9(2) should not apply to self-employed workers.

**618.** The Government member of India, speaking also on behalf of the Government members of Argentina, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, the United States and Uzbekistan introduced an identical amendment (A.57) to preserve the conceptual and legal distinction between employment and non-employment relationships within the platform economy. Extending the remuneration measures itemized in Article 9(2) to those not in an employment relationship raised significant legal, interpretive and implementation challenges, given the differences across jurisdictions, and created uncertainties linked to implementation and enforcement. He also questioned how Member States would report on the Article.

**619.** The Government member of China withdrew an identical amendment (A.128).

**620.** The Worker Vice-Chairperson did not support the amendment. Article 9(3) was necessary to ensure effective protection for digital platform workers outside an employment relationship as they comprised a large proportion of the platform workers that the draft Convention sought to protect and were more likely than employees to bear the full costs and expenses incurred in performing their work. Limiting adequate remuneration and compensation for work-related expenses to workers in an employment relationship would leave some of the most vulnerable platform workers without protection and create incentives for misclassification, as access to remuneration guarantees would thus depend on the outcome of classification disputes. The qualification "to the extent possible and as appropriate" in the Office text provided sufficient flexibility for implementation across different legal systems.

**621.** The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment. The provision did not blur the lines but rather reflected the realities of work in the platform economy, namely that there were different classifications. The Office text reflected the Committee's commitment to the principle-based approach to providing broad and inclusive protections for all digital platform workers. Moreover, the proposed Article would not impose a rigid obligation.

**622.** The Government members of Brazil, Mexico and Malawi did not support the amendment because the draft instrument's intent was to cover all digital platform workers. The proposed Article provided an option to extend protection to self-employed workers while respecting the diversity of national legal systems.

**623.** The Government members of Chile and New Zealand supported the amendment because the Office text created uncertainty about the distinctions between employees and self-employed workers.

**624.** The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Uruguay, Colombia, Peru and Switzerland did not support the amendment because the proposed Article 9(3) offered sufficient flexibility for Member States to make choices on the extension of protections beyond employees with the phrase "to the extent possible and as appropriate".

**625.** The Government member of Singapore asked the Office to clarify the terms "appropriate" and "to the extent possible" and whether they would enable the preservation of distinctions within each Member States' legal systems.

**626.** The deputy representative of the Secretary-General explained that the phrase "to the extent possible and as appropriate" left flexibility for Member States to determine which provisions could be extended to which categories of digital platform workers considering national conditions and specific circumstances such as modalities of work. Extending those protections might not be possible, for instance owing to enforcement capacities, where workers worked online or where workers, the platform and the clients were situated in different countries. In other instances, it might not be appropriate, for example, setting minimum rates for highly qualified platform workers might be considered inappropriate.

**627.** The Government members of Singapore, Indonesia and Egypt did not support the amendment given the response of the Secretariat.

**628.** The Government member of Canada did not support the amendment as it remained important for governments to fill regulatory gaps and extend legal protections to platform workers regardless of their status. The proposed Article would provide sufficient flexibility to facilitate its implementation.

**629.** The Government member of the Niger did not support the amendment. Articles 1 and 2 set the scope of the instrument to protect all digital platform workers regardless of the employment relationship. The distinction on the classification of workers in the two paragraphs of Article 9 was clear: paragraph 2 would apply to digital platform workers in an employment relationship, and paragraph 3 would apply, to the extent possible and as appropriate, to those who were not.

**630.** The Government member of Australia did not support the amendment. The decent work deficits faced by self-employed workers in the platform economy, particularly regarding pay, deserved serious consideration as part of a standard-setting discussion aiming to establish decent work for all platform economy workers.

**631.** The Government member of Türkiye considered that the adoption of draft Article 9 would reopen the discussions on some provisions already agreed upon. Extending the scope to include platform workers who were not in an employment relationship would create significant challenges for Member States in terms of implementation and reporting on its application upon ratification.

**632.** The Government member of the United States supported the amendment. The proposed text of paragraph 3 went far beyond paragraph 2 and would pressure governments to extend employee-level remuneration protections to individuals not in an employment relationship. It would impose a sector-wide mandate and unfairly burden those commercial arrangements built around digital technologies. It would not improve the conditions of remuneration for digital platform workers who wanted to remain independent, as platforms would have to behave like employers by setting rules to organize the work of these workers, taking away flexibility, freedom and autonomy. It also would create an international framework that disfavoured entrepreneurship and innovation as imposing new regulations on independent platform could discourage the expansion of the sector which has generated new work opportunities, particularly for small businesses, around the world.

**633.** The draft Convention should not be built on an institutional model that would not exist in many Member States. The draft already gave the means to avoid misclassification and to thus clearly identify workers in an employment relationship that would receive full remuneration protections under Article 9(2). Where workers were genuinely independent, remuneration protections designed for employment relationships would not be appropriate and should not be imposed. A binding international instrument should not codify the belief that employment was inherently superior or that other forms of work were deviations to be corrected. To ensure the draft Convention remain balanced, coherent and adoptable, he urged the deletion of Article 9(3).

**634.** The Government members of Oman, speaking on behalf of the GCC countries; Argentina, and Uzbekistan supported the amendment. The proposed text disregarded the autonomy and responsibility of self-employed workers and undermined the distinction between independent and employed workers that other Articles tried to strengthen.

**635.** The Government member of Türkiye asked the Secretariat whether the expression “to the extent possible and as appropriate” would ensure flexibility for governments when applying the Convention.

**636.** The deputy representative of the Secretary-General clarified that ratifying Member States would be required to report on the extent to which the measures under Article 9(3) had been extended to workers outside an employment relationship and to explain at the same time the reasons for which some measures or some categories of workers were not included in those extensions.

**637.** The Government member of Brazil noted that phrases such as “to the extent possible” were used in other instruments such as the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and Convention No. 190.

**638.** The Employer Vice-Chairperson pointed to impracticalities in extending protections on remunerations to self-employed workers for instance in determining who would pay the minimum wage for self-employed platform workers and how to determine responsibility when workers were engaged through multiple platforms. The provision would also create an imbalance in the treatment of self-employed digital platform workers and self-employed workers who are not platform workers and ultimately prevent innovation and business expansion. It would be especially harmful to small platforms operating in developing countries.

**639.** The proposed Article 9(3) introduced a risk that the draft Convention would extend two competing understandings of its definitions and scope in the area of remuneration, thus undermining its legal coherence and generating interpretive ambiguity. While there was agreement that the draft instrument covered workers of all classification statuses, it did not mean that every provision would apply to all workers. She asked the Secretariat to confirm that Article 9(1) was relevant for countries that had a minimum wage for all workers, including the self-employed.

**640.** The deputy representative of the Secretary-General confirmed that where national laws, regulations or collective agreements provided for a minimum wage applicable to self-employed workers, the obligation to ensure payment of amounts due in full, subject only to lawful deductions and through lawful means, would apply equally to those workers.

**641.** The Worker Vice-Chairperson noted that draft Article 9(3) had no impact on the definitions set out in Article 9(2). Instead, it offered the option of extending the measures set out in Article 9(2) to workers outside an employment relationship. The provision was important to allow States the opportunity to ensure basic dignity to all platform workers, to protect the many workers who were not in an employment relationship from poverty, and, by extension, to prevent wage depression among workers generally.

**642.** The Government member of South Africa did not support the amendment or the arguments that the Office text blurred the established distinctions in employment status agreed to in Article 1. The inclusion of the proposed paragraph would accord to the recognition made in the draft Convention to the existence of digital platform workers with or without an employment relationship but would not impose that similar conditions be extended to each group. The proposed text would offer flexibility and discretion to Member States.

**643.** The Government members of Uruguay and the Niger recognized concerns about the impact of regulation on smaller and emerging platforms but asserted that governments had a responsibility to strike a balance between supporting innovation, employment creation and ensuring adequate worker protection.

**644.** The Government member of Burkina Faso did not support the amendment. Paragraph 3 was central to the principle of universality, as it sought to extend key remuneration-related protections to platform workers outside employment relationships. Many platform workers in Africa operated in the informal economy or under hybrid arrangements and were commonly classified as independent contractors. Deleting paragraph 3 would leave a large and vulnerable segment of platform workers without adequate remuneration protections and would undermine the relevance and credibility of the Convention for African countries.

**645.** The Government member of Uzbekistan acknowledged the Secretariat’s explanation but maintained concern that despite the intended flexibility, workers outside an employment relationship would remain within the scope of the provision and Member States would still be required to report on measures affecting those workers after ratification.

**646.** The Government member of the United States argued that applying employee-style remuneration rules to workers outside an employment relationship could inadvertently increase the costs of formal participation to a level that small operators and new market entrants would be unable or unwilling to meet. This could encourage self-employed workers and small businesses to operate informally. Prolonged operation in the informal economy could limit opportunities for business growth and formalization, and therefore an approach that allows self-employed platform workers to determine their own remuneration arrangements within the formal economy was preferable.

**647.** The Government member of Zambia did not support the amendment since the text allotted the flexibility for governments to determine what is appropriate and possible considering national circumstances and given the broad principle of the draft Convention to ensure decent work for all platform workers.

**648.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Each Member shall give consideration to whether the measures adopted notably under paragraph 2(a) of this Article shall be provided to digital platform workers who are not in an employment relationship.

**649.** Amendment A.83 was adopted as subamended and, as a consequence, amendment A.57 fell.

**650.** Another amendment (A.106) was withdrawn and paragraph 3 was adopted as amended.

## Proposals to insert new paragraphs in Article 9

### A.108

**651.** The Worker Vice-Chairperson introduced an amendment to insert a new paragraph after paragraph 3 that read:

> Each Member shall take measures to ensure that digital platform workers:
>
> (a) are adequately protected in relation to maximum hours of work and minimum rest periods;
>
> (b) are compensated for the periods of time during which they are waiting for work;
>
> (c) can decline a task or disconnect from a digital labour platform without retaliation.

**652.** Limits on working time and guarantees of minimum rest were among the oldest and most relevant protections in international labour standards. Platform work created strong incentives for workers to remain connected for extended periods, particularly where access to income depended on unpredictable demand, ratings, incentives or the algorithmic allocation of tasks, making excessive hours and insufficient rest foreseeable risks. The provision did not prescribe a single model of working time regulation but sought to ensure protection against excessive hours, which were closely linked to OSH risks particularly in sectors such as transport and delivery. Workers often spent significant periods awaiting assignments, preparing for work and travelling while remaining available for dispatch and constrained in their use of time. As payment was limited to completed tasks, the cost of demand fluctuations was borne by workers, reducing effective hourly earnings, in some cases below minimum wage levels. A right to disconnect was necessary to safeguard health and safety, as continuous availability could lead to fatigue, road safety risks and psychosocial harm. Workers needed to be able to decline tasks without retaliation or penalties, in line with the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Penalties for refusal, such as suspension or deactivation, undermined that freedom. The phrase "shall take measures" reflected the need to implement measures in accordance with national circumstances.

**653.** The Employer Vice-Chairperson did not support the amendment. Certain rights pertained to an employment relationship, as was very clear in subparagraphs (a) and (b). It would be impossible to monitor compliance with limits on working time or rest periods of self-employed workers, and it was unclear who would be responsible for such monitoring. The autonomy to decide when to work and rest was inherent in self-employment. Similar issues arose regarding compensation, as no compensation could be provided in the absence of economic activity. Overall, the amendment blurred the distinctions between different employment statuses.

**654.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; and Namibia, speaking on behalf of the Africa group, did not support the amendment because it was too prescriptive.

**655.** The Government member of Switzerland introduced a subamendment, seconded by the Government member of Australia, to insert, after "measures", the phrase "considering digital platform workers' statuses in employment", to provide the legal basis for national application without undermining protections.

**656.** The Worker Vice-Chairperson asked whether the text, as subamended, would mean that Member States should consider digital platform workers' status in employment when taking implementation measures, specifically, to which the deputy representative of the Secretary-General responded affirmatively.

**657.** The Employer Vice-Chairperson and the Government member of Namibia, speaking on behalf of the Africa group, did not support the subamendment as it was too prescriptive and added to legal uncertainty.

**658.** The Government member of Switzerland withdrew the subamendment.

**659.** The Government member of Grenada, speaking on behalf of the CARICOM countries, recognized the importance of the objective pursued by the amendment. However, the provision was overly prescriptive and insufficiently reflective of the legal and labour market realities of Member States.

**660.** The Government member of Uzbekistan did not support the amendment as it introduced highly specific obligations that were closely linked to the classification of digital platform workers and were addressed differently across national systems. The Convention should establish broad principles while allowing sufficient flexibility for Member States to determine the most appropriate means of implementation in line with national practice.

**661.** The Government member of Bangladesh did not support the amendment. Making such obligations mandatory would affect workers' welfare, since many workers were also consumers, and the cost of goods and services was kept low partly because of those factors. Entrepreneurship and participation in digital platforms might be affected, and provisions on maximum hours of work and compensation for waiting time might ultimately reduce workers' opportunities to work.

**662.** The Government member of Canada indicated that such a provision was already in the draft Recommendation. However, given the possibility that the Committee might not reach the draft Recommendation, retaining the language in the Convention was important.

**663.** The Employer Vice-Chairperson reiterated her commitment to discuss the issue in the context of the draft Recommendation, where such a provision could be considered.

**664.** As a result of an agreement reached between the Employers' and Workers' groups through informal discussions having taken into account the views of government members, the amendment was not adopted.

A.109

**665.** The Worker Vice-Chairperson introduced an amendment to insert a new paragraph after paragraph 3 reading "Each Member shall prohibit digital labour platforms from charging fees or costs to digital platform workers". The long-standing fundamental principle that labour was not a commodity implied that work should be free of charge to workers. Charging fees or costs to workers could give rise to abusive practices and trap workers in debt. High and variable commission rates, as well as additional fees charged after a job had been accepted, required workers to undertake work without knowing their net remuneration. Such fees and commissions also constituted a significant source of platform revenue.

**666.** The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, India, Brazil, and Uzbekistan did not support the amendment. The text was too broad and prescriptive. It limited business freedom, blocked entrepreneurship and might prohibit legitimate business arrangements between digital labour platforms and platform workers.

**667.** The Worker Vice-Chairperson introduced a subamendment to add "take appropriate measures to" after "shall", and "save for optional services offered by the digital labour platform that are not necessary for accessing or performing work or receiving remuneration or payment" after "workers". While allowing platforms to charge for optional additional services, the subamendment maintained the principle that workers should not have to pay fees or costs to access or perform work, or to receive remuneration or payment.

**668.** The Employer Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; and Nigeria, did not support the subamendment. It was too rigid given the diversity of national laws and platform business models.

**669.** The Government member of Tunisia asked the Secretariat whether there were any legal grounds preventing digital labour platforms from making deductions from workers' remuneration or imposing costs and fees on workers.

**670.** The deputy representative of the Secretary-General clarified that the Private Employment Agencies Convention, 1997 (No. 181), provided that private employment agencies should not charge, directly or indirectly any fees or costs to workers. The Protection of Wages Convention, 1949 (No. 95), also provided that any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment should be prohibited.

**671.** The Government member of South Africa recognized that the amendment raised an important issue but considered the conflation of employment and independent contractor status problematic. Certain contractual arrangements contained subscription fees based on clear commercial agreements and rationales. Restrictions on such arrangements were unlikely to find support given the legal distinction between employment relationships and commercial activities. Appropriate language was needed to protect workers in both contexts while also accommodating enterprise development and economic activity. The intention of the amendment, namely to prohibit charging for work and prevent arbitrary or unreasonable deductions, could be expressed more clearly.

**672.** The Government members of Mexico and Singapore did not support the amendment.

**673.** The Worker Vice-Chairperson proposed a further subamendment to replace “save for optional services offered by the digital labour platform that are not necessary for accessing or performing work or receiving remuneration or payment” with “to access work”.

**674.** The Government members of Uzbekistan and India did not support the amendment or subamendment. The proposal concerned the operational and commercial functioning of digital labour platforms rather than labour protection and the matter would be better addressed in the draft Recommendation.

**675.** The Government member of Argentina stated that no worker should be required to pay to access work, but considered that the right was already captured for workers in an employment relationship in the ILO’s fundamental Conventions. Attempting to apply it to self-employed workers could interfere with freedom of contract and freedom of enterprise.

**676.** The Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; and the Government members of India, Chile, Peru and the United States did not support the amendment or subamendment as the matter was already addressed, appropriately, in the draft Recommendation. The Government members of Grenada, speaking on behalf of the CARICOM countries, and the United States added that the wording did not adequately distinguish between different work relationships.

**677.** The Government member of Bangladesh did not support the amendment or subamendment. He questioned whether the proposed prohibition on charging fees would extend to service fees charged for using the platform and who might pay for those fees if not the workers. Prohibiting such fees could have an unfair impact on platform owners, many of whom were themselves self-employed.

**678.** The Worker Vice-Chairperson reiterated that the prohibition to charge fees to workers emanated from a foundational principle that was well-established in international labour standards and should therefore be included in the Convention, especially if the intention was for the Convention to be principle-based.

**679.** As a result of an agreement reached between the Employers’ and Workers’ groups through informal discussions having taken into account the views of government members, the amendment was not adopted.

**680.** Article 9 was adopted as amended.

## Article 10

### A.69

**681.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to insert “, according to national law and practice,” after “Each Member shall”. While his group supported the provision of information to digital platform workers, flexibility was needed to take account of different national laws and practices concerning remuneration, payment and deductions.

**682.** The Employer Vice-Chairperson supported the amendment.

**683.** The Worker Vice-Chairperson did not support the amendment, noting that proposed Article 23(1) already provided flexibility in implementing the provisions of the Convention. Recalling prior advice from the Legal Adviser that the proposed phrasing was not always the best way of qualifying how measures should be taken, she introduced a subamendment to replace “, according to national law and practice,” with “take appropriate measures to”.

**684.** The Government member of Oman, speaking on behalf of the GCC countries, could support the amendment and subamendment.

**685.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

**686.** The Employer Vice-Chairperson did not support the subamendment. It was her understanding that the Committee had agreed that the phrase “according to national law and practice” did not have the same meaning as “take appropriate measures”.

**687.** The Worker Vice-Chairperson and the Government member of the United Kingdom asked the Secretariat to explain the different legal effects of the phrase “according to national law and practice”. The Government member of the United Kingdom asked the Secretariat to confirm if the same logic applied to the use of other similar qualifying phrases such as “according to classification of status in employment”.

**688.** A representative of the Legal Adviser recalled the Legal Adviser’s earlier guidance that the legal effect of the phrase “according to national law and practice” depended on the substantive and grammatical context. When it appeared at the at the beginning of a sentence after the verb “shall”, it tended to restrict the content of the obligation itself whereas, in this case, if it appeared later in the provision, for instance after the word “provide”, it would more clearly be understood as referring to the means of implementation of Members’ obligations. The same applied to similar qualifying phrases such as the one mentioned by the Government member of the United Kingdom.

**689.** The Government member of Australia supported the subamendment. The Article as proposed in the Office text intended to create a substantive obligation to correct information asymmetries in the platform economy, which should not be diluted by circumscribing it to national law and practice. “Taking appropriate measures”, however, was more in line with the Office text.

**690.** The Government members of Grenada, speaking on behalf of the CARICOM countries, and the Government members of Uzbekistan, Singapore, Chile, India, Japan, and Peru supported the amendment (A.69) but did not support the subamendment.

**691.** The Government member of Namibia, speaking on behalf of the Africa group, and the Government member of Bangladesh did not support the amendment or the subamendment.

**692.** The Government member of Uruguay noted that the use of the word “require” in proposed Article 10 created a positive legal obligation for Member States. Based on the Secretariat’s explanation, he understood that making that obligation subject to national law and practice would undermine it, as it weakened the expectation that States adopt new national regulations.

**693.** The Government members of Brazil and Mexico did not support either the amendment or the subamendment. Having heard the Secretariat’s explanation, the Government member of Mexico stated that the Office text more effectively addressed information asymmetries between workers and digital labour platforms.

**694.** The Government member of Switzerland did not support the subamendment, but supported the amendment and indicated flexibility regarding the placement of the phrase “according to national law and practice”.

**695.** The Government members of New Zealand; Malaysia; and Türkiye supported the amendment and not the subamendment.

**696.** The Government members of Colombia and Malawi preferred the Office text after having heard the Secretariat’s explanation.

**697.** The Worker Vice-Chairperson withdrew the subamendment. She expressed preference for the Office text but could support the amendment if the wording “, according to national law and practice,” was moved after the verb “provide”.

**698.** The Government member of Brazil introduced a subamendment, seconded by the Government member of Mexico to move “, according to national law and practice,” after “provide”.

**699.** The Government members of Zimbabwe and Malawi preferred the Office text as they found it provided greater flexibility, particularly for Member States without existing laws that might apply to the platform economy. The insertion of “according to national law and practice”, wherever it was placed in the Article, appeared to assume the existence of relevant national laws and practices, making it unclear how countries without them could comply with the Article, should the amendment or subamendment be adopted. The issue was particularly relevant for countries that had not yet established a specific legal framework for platform work. They asked the Secretariat to clarify the practical implications of the amendment and subamendment for Member States that had no applicable legislation, or no legislation concerning the platform economy specifically. It was their understanding that the purpose of a Convention was to provide Member States with the standards upon which future legislative reforms could be adopted to comply with its provisions, a purpose that was particularly relevant to those that had not yet regulated the platform economy.

**700.** The Worker Vice-Chairperson expressed preference for the Office text after having heard the remarks of the Government member of Zimbabwe.

**701.** The Government member of Argentina supported the amendment and could support the subamendment.

**702.** The Government member of the Niger asked the Secretariat if the ILO considered that the expression “in accordance with national law and practice” carried a specific legal meaning or set of implications, or if its implementation was left to the discretion of Member States without further consequences at the supervisory level. He also asked for the Secretariat to cite sources for the answers provided.

**703.** The Government member of Namibia, speaking on behalf of the Africa group, asked the Secretariat to clarify whether the proposed text referred to general labour laws already in place or to the specific law for the platform economy, which certain countries still needed to develop.

**704.** The Employer Vice-Chairperson echoed the questions asked by the Government members of Namibia on behalf of the Africa group and the Niger. Further clarification was needed regarding the meaning and implications of the phrase “according to national law and practice,” both in Article 10 and throughout the draft instrument. She sought guidance from the Legal Adviser on how ILO instruments typically ensured that provisions were applied consistently with existing national laws and practices without limiting their applicability in countries where no such legislation yet existed.

**705.** The Government member of Switzerland asked whether adding the phrase “according to national law and practice” in the Article meant that a country must already have existing legislation covering platforms, or whether the phrase simply meant that measures taken should be consistent with existing national legislation.

**706.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, stated that they would not block any emerging consensus on the subamendment.

**707.** The Government member of Australia noted that it should not be controversial that workers benefit from pay transparency. The ILO supervisory system already had an inherent, in-built flexibility in relation to the implementation of international labour standards.

**708.** The Government member of Singapore did not support the subamendment as it was too prescriptive and technical. The Article addressed the substance of obligations placed on countries and was not just an issue of implementation.

**709.** The Government member of the United States understood that in the absence of a preexisting law specific to the platform economy, a country was to operate within its framework of labour law in general but could still ratify and implement the Convention.

**710.** An expert from the International Labour Standards Department (NORMES) explained that several ILO instruments contained the clauses “in accordance with national law and practice” or “according to national law and practice”. Proposed Article 10 of the draft Convention, as it stood, established an obligation to produce a certain result, which was that digital labour platforms provide accurate and easily understandable information on remuneration or payment and on any deductions made to digital platform workers. It was an obligation to which ratifying Member States would be expected to give effect.

**711.** The phrase “in accordance with national law and practice” allowed Member States to determine, through tripartite consultation, the methods of achieving that result, without detracting from the key obligation. The phrase did not establish an obligation to adopt legislation. It required law and practice to be aligned with the obligation in the provision, meaning first and foremost that they should not conflict with it. Member States did not necessarily need to give effect to the obligation through the adoption of new laws; there were other means of giving effect to the obligation, including collective agreements, arbitration awards, decisions from authorities, executive decrees and practices.

**712.** If no laws, regulations or practices existed, the function of the Convention was precisely to provide guidance. The proposed Article contained elements of guidance that countries could follow even without preexisting law or practice: it identified the duty bearer as digital labour platforms; the rights holder as digital platform workers; and the nature and qualities of the obligation, to provide information that needed to be accurate and easily understandable.

**713.** The placement of the phrase in the sentence would not have significant implications for its meaning. In the interest of clarity, however, it was best placed after “provide”, because it was then the manner in which the information was provided that would be qualified by “in accordance with national law and practice”.

**714.** There were alternatives to the qualification “in accordance with national law and practice” such as “consistent with national law and practice”, “in line with national law and circumstances”, or “compatible with national law”. While their wordings differed, they shared the aim of creating alignment between national law and practice and the international labour standard to be adopted.

**715.** The Government member of Malawi asked the expert from NORMES to confirm her understanding that, under Article 10 as it was phrased, Member States would not be required to have platform-specific legislation; they could draw on other existing regulations of relevance, such as an employment act that governed lawful deductions that could be applied to the platform economy. The expert from NORMES confirmed his understanding.

**716.** The Government member of Cyprus, speaking on behalf of the EU Member States, proposed a further subamendment to delete “according to national law and practice” and to insert “take appropriate measures to” after “shall”, following the explanation provided by the expert from

NORMES and by previous explanations provided by representatives of the Secretariat. The term "appropriate measures" provided the intended flexibility for Member States to implement the provision.

**717.** The Employer Vice-Chairperson asked the Secretariat whether "according to national law and practice" equated to not contradicting national law and practice, where it existed; whether Member States had reporting obligations regardless of the inclusion of such language; whether the use of such language had a similar legal effect when speaking of employment classification; and if there was a difference between "take appropriate measures" and "according to national law and practice".

**718.** The Government member of Australia questioned whether the language was necessary at all, or if the ILO supervisory mechanisms understood that countries would have flexibility to consider how best to give effect to the substantive obligation set out in a provision.

**719.** The expert from NORMES noted that, if the qualification were to be included in Article 10, it would mean that national law and practice would have to give effect to the Article's central obligation, that is, the provision of accurate and easily accessible information. National law and practice that was clearly not in conformity with the proposed standard would have to be reviewed and revised. The international labour standard in itself did not have to reflect national law and practice as it stood around the world because the purpose of adopting a standard was to bring national law and practice in line with international standard to give effect to it over time.

**720.** If the provision were adopted as it stood, ratifying Member States would have to report on the result and on the methods, namely how information on remuneration or payment and deductions was provided, specifying means taken in law, whether through specific or general legislation, and in practice. When "in accordance with national law and practice" related to classification, it would also provide flexibility with respect to the methods pursued in giving effect to the obligation established. Finally, using "appropriate measures" instead of "according to national law and practice" would offer the same level of flexibility with respect to the methods pursued in making the information available. In line with the ILO Constitution, it remained a question of bringing law and practice into conformity with the standard.

**721.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Mexico, and Colombia supported the subamendment.

**722.** The Worker Vice-Chairperson and the Government member of Grenada, speaking on behalf of the CARICOM countries; Australia and Canada, supported the subamendment, on the understanding that it meant that Members would have to take measures that were appropriate to implement the rights in question.

**723.** The Employer Vice-Chairperson supported the subamendment.

**724.** The amendment was adopted as subamended.

A.84

**725.** The Employer Vice-Chairperson submitted an amendment to replace the word "require" with "encourage", so that the text of Article 10 would read: "Each Member shall encourage digital labour platforms to regularly provide digital platform workers with accurate and easily understandable information on their remuneration or payment and any deductions made." The intention was to ensure that the instrument was not too prescriptive, as platforms, especially small or new ones would struggle to provide information to workers regularly, and it was important that the provision not become a barrier to entrepreneurship.

**726.** The Worker Vice-Chairperson did not support the amendment as workers needed clarity on and transparency around their remuneration or payment, and "encourage" was not appropriate terminology for an international labour standard.

**727.** The Government member of Mexico did not support the amendment. It seemed clear that platforms had to give clear, precise and timely information to workers.

**728.** The Government member of Chile did not support the amendment. While there was information that companies should not have to disclose to employees, information concerning a worker's payment was basic information to which they had a right.

**729.** The Government member of Brazil did not support the amendment. Digital labour platforms, like all companies, should be required to provide workers the information concerned, including in the interest of fair competition.

**730.** The Government member of New Zealand supported the amendment. The word "require" would entail that governments had to monitor and enforce the requirement, which would be especially difficult in the context of commercial relationships. Such a requirement raised practical questions, including how to determine whether information was considered easily understandable and how to develop a compliance framework and apply penalties when it was determined that information provided was not easily understandable. He questioned whether enforcing such requirements was a good use of Government resources compared with other cases of non-compliance with the law and noted the risk of Government overreach into the affairs of private enterprise.

**731.** The Government member of Colombia did not support the amendment, emphasizing that workers must understand what remuneration or payment they were agreeing to prior to undertaking work and must be able to verify the amount payable upon completion. Remuneration transparency was essential for workers to meet other obligations, including tax declaration.

**732.** The Government members of Uzbekistan, Namibia, and Australia did not support the amendment.

**733.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. Governments, as enforcement authorities, required workers to have accurate and complete information to resolve complaints effectively.

**734.** The Government member of Australia did not support the amendment, stating that the purpose of the Article was to establish a clear, enforceable benchmark for workers across jurisdictions, which wording that simply required Member States to "encourage" action would fail to provide.

**735.** The amendment was withdrawn.

## A.86 and A.62

**736.** The Employer Vice-Chairperson introduced an amendment (A.86), proposing the deletion of the word "regularly". The Employers' group supported the objective of ensuring transparency in remuneration but considered that the term "regularly" did not adequately reflect the diversity of platform work arrangements, nor the capacity of many digital platforms. Many platform workers engaged in irregular or task-based work, rather than in recurring schedules, which make the regular provision of information inappropriate or impractical. Similar considerations had been discussed under Article 9(1) regarding payments, where the Committee, acknowledging the irregularity of some platform work, had agreed on language emphasizing timeliness rather than fixed periodicity. Consistency across provisions was essential.

**737.** The Government member of Japan, speaking also on behalf of the Government members of Saudi Arabia, Bahrain, Chile, the United Arab Emirates, the United States, India, Kuwait, Oman, Uzbekistan, Qatar and Türkiye introduced an identical amendment (A.62) because the requirement to disclose information regularly did not reflect the reality of one-off or occasional work arrangements. The deletion could facilitate wider ratification of the Convention.

**738.** The Worker Vice-Chairperson did not support the amendment. Transparency regarding remuneration constituted a fundamental precondition for the effective exercise of workers' rights, particularly in the platform economy where remuneration was often determined through complex mechanisms, including algorithms, dynamic pricing, incentives and deductions. Workers required accurate and accessible information to verify payments and challenge errors. Remuneration systems could change frequently and automatically, and information provided at first might quickly become outdated. Workers in employment relationships outside of the platform economy routinely received regular pay slips or invoices detailing earnings and deductions, and self-employed workers routinely had invoices reflecting taxes, deductions and fees. There was no reason the same standards should not be applied to workers in the platform economy, especially given the capacity of digital platforms to automate such processes.

**739.** The Government members of Colombia and Mexico did not support the amendment, pointing to significant information asymmetries in the platform economy. It was necessary and feasible for platforms to provide such information when applicable, whether by task or by periodicity. Such information was also essential for compliance with tax obligations and for the exercise of other rights.

**740.** The Government member of Brazil underscored the importance of transparency for ensuring fair competition, noting that such practices were standard in other sectors and should apply equally in the platform economy.

**741.** The Government members of Argentina and the United States supported the amendment because it ensured that the Article would apply to all digital platform workers, irrespective of the existence of an employment relationship. The term "regularly" implied a continuous employment relationship and did not reflect the reality of independent contracting, where engagements were intermittent.

**742.** The Government member of Namibia, speaking on behalf of the Africa group, asked the Secretariat to define "regularly".

**743.** The deputy representative of the Secretary-General explained that "regularly" referred to the need to provide information at appropriate intervals rather than only once at the start of engagement. This could include, for example, after each task or on a periodic basis. The objective was to ensure that workers received timely information enabling them to assess whether remuneration and deductions were accurate and, where necessary, to seek redress.

**744.** The Employer Vice-Chairperson, agreeing that it was important to uphold fair competition, proposed a subamendment to add the words "in a timely manner" after the word "provide", as it could apply to both task-based and continuous or regular engagements. The wording was also consistent with that adopted in Article 9(1).

**745.** The Government members of Japan, India, Chile, Peru, Brazil, Argentina, Türkiye, Singapore, Uruguay, Honduras, Uzbekistan and Colombia supported the subamendment.

**746.** The Government member of Singapore suggested adding a comma after "manner"; the suggestion was referred to the Drafting Committee.

**747.** The Government member of Mexico indicated a preference for the Office text but supported the subamendment as long as it safeguarded workers' right to information.

**748.** The Worker Vice-Chairperson preferred the Office text but accepted the subamendment on the understanding that it maintained the requirement for accurate information and ensured that such information would be provided in a timely manner, particularly in cases of ongoing remuneration.

**749.** The amendments were adopted as subamended.

A.129

**750.** The Government member of the United States introduced an amendment, seconded by the Government member of Israel, to insert after “workers”, the phrase “in an employment relationship under national law and practice”. The duty to provide regular, detailed remuneration information presupposed an employment relationship and a clear legal framework governing wage deductions and employer responsibilities. Applying the requirement to workers outside of an employment relationship would create legal uncertainty, impose obligations on platforms without a corresponding basis in national labour law, and blur important distinctions between employees and independent contractors. Such legal clarity was especially needed considering the Legal Adviser’s explanation regarding the terms “take appropriate measures” and “national law and practice”.

**751.** The Worker Vice-Chairperson did not support the amendment. Workers classified as self-employed could not meaningfully assess the value of their work, the profitability of their activity, or the fairness of contractual terms without knowing how remuneration or payment had been calculated and what deductions had been made. In platform work, prices, commissions, fees, incentives and deductions were frequently determined unilaterally by the platforms and could change over time without notice. Transparency regarding payments was especially important for workers outside an employment relationship, who were expected to bear economic risks and manage their own activity.

**752.** The Employer Vice-Chairperson expressed flexibility on the amendment and asked that the correction regarding “payment” be made to ensure consistency with agreed definitions. Moreover, she recalled that the Office’s explanation regarding national law and practice meant that countries would have to rewrite their laws regardless of the framing, which the Committee should be mindful of.

**753.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Australia, Colombia, Brazil, China, and Mexico did not support the subamendment. The obligation to provide accurate and easily understandable information should benefit all digital labour platform workers, regardless of their classification in employment.

**754.** The amendment was withdrawn.

A.87

**755.** The Employer Vice-Chairperson introduced an amendment deleting “and easily understandable” before “information”, as it could lead to differing interpretations. The term “accurate information” that remained was more objective.

**756.** The Worker Vice-Chairperson did not support the amendment, arguing that information provided to workers should be not only accurate but also easily understandable, particularly where remuneration involved complex calculations, commission structures or varying rates of pay. Information generated through algorithmic systems may be technically accurate yet difficult for workers to comprehend, undermining their ability to verify and challenge payments where necessary. The concept of providing information in an understandable manner was already reflected in established international labour standards, such as Conventions Nos 189 and No. 95.

**757.** The Government members of New Zealand and Uzbekistan supported the amendment.

**758.** The Government member of Mexico did not support the amendment, emphasizing the importance of ensuring that information provided to workers was easily understandable. Mexican legislation adopted by tripartite consensus required the use of simple language, avoiding imprecise, ambiguous or vague expressions. Workers should be able to clearly identify how much they have earned, when payments were made and how commissions or percentages were calculated.

**759.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia speaking on behalf of the Africa group; and Colombia did not support the amendment.

**760.** The Employer Vice-Chairperson proposed to add, after "accurate", the term "and clear" information.

**761.** The Government members of Namibia speaking on behalf of the Africa group; the Niger, and Colombia did not support the amendment nor the subamendment.

**762.** The Government member of Peru supported the subamendment.

**763.** The Worker Vice-Chairperson did not support the subamendment, as the word "clear" could introduce ambiguity.

**764.** The Government member of Uruguay noted that "accurate" was an objective dimension, while "easily understandable" was a subjective one, and that both were needed. Information might be precise yet still be difficult to comprehend for linguistic, technical or other reasons.

**765.** The amendment was withdrawn.

**766.** The Worker Vice-Chairperson, with the understanding that the text of the Article implicitly included the sharing of information on how deductions and payments had been calculated, withdrew an amendment (A.110) that proposed to insert, after "payment", the phrase ", including how it is determined,". Workers needed to understand how their remuneration or payment had been determined to know whether deductions were justified and whether they received a fair rate.

**767.** Article 10 was adopted as amended and Part X was adopted as amended.

## Title of Part IX

**768.** The title of Part IX – Social security – was adopted.

### Article 11

A.112

**769.** The Worker Vice-Chairperson introduced an amendment to insert a new paragraph in Article 11 that read:

> Each Member shall, according to national circumstances, take effective measures to progressively extend comprehensive social security protection to all digital platform workers, including by setting targets and time frames.

**770.** Platform workers often had lower levels of social security coverage than other workers due to factors such as employment misclassification. Self-employed workers generally enjoyed less protection than workers in an employment relationship, while the nature of platform work created additional implementation challenges similar to those faced by other vulnerable groups, including informal workers. Proposed Article 11, as well as Paragraph 2 of the draft Recommendation would benefit from clear obligations and guidance on the need to progressively extend social security to all platform workers. Several ILO instruments called for the progressive extension of social security, including the Social Protection Floors Recommendation, 2012 (No. 202), provided that Members should progressively ensure higher levels of social security to as many people as possible. Moreover, the conclusions of the 2021 recurrent discussion on social protection stated that considerable additional efforts were urgently needed to extend coverage and guarantee universal access, with particular focus on those unprotected and in vulnerable situation, including platform workers. Recent international labour standards calling for the extension of social protection to particularly unprotected and vulnerable workers included the Work in Fishing Convention, 2007 (No. 188), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The proposed amendment allowed for flexibility to Members to progressively extend such protection with due regard to their national circumstances.

**771.** The Employer Vice-Chairperson did not support the amendment. The proposed text duplicated proposed Article 11, was too prescriptive and did not reflect existing ILO language on social security.

**772.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, and Bangladesh did not support the amendment. Government members stated that they would not be willing to support any of the proposed amendments to Article 11 because they preferred to retain the proposed text as drafted by the Office.

**773.** The Worker Vice-Chairperson would not withdraw the amendment as the 2021 commitment to extend social protection was key, but she would not prevent its non-adoption.

**774.** The amendment was not adopted.

A.88

**775.** The Employer Vice-Chairperson introduced an amendment to add “simplifying business registration where required, and” before “ensure”. Simplifying business registration would support the formalization of small platform businesses.

**776.** The Worker Vice-Chairperson did not support the amendment as it did not include worker registration.

**777.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom and the United States did not support the amendment.

**778.** The amendment was withdrawn and another amendment (A.60) was withdrawn.

A.89

**779.** The Employer Vice-Chairperson proposed an amendment to replace “enjoy” with “have access to” to align with common terminology in international labour standards and the ILO Centenary Declaration. She asked the Secretariat to confirm which term was more appropriate and a representative of the Secretariat noted that the word “enjoy” was used in Article 14 of Convention No. 189.

**780.** The Worker Vice-Chairperson did not support the amendment. Social protection was a right and "enjoyment of a right" was normal language.

**781.** A representative of the Secretariat clarified that the expressions "to enjoy" and "to have access to" had similar uses in international labour standards. Effective access constituted one dimension of enjoyment, alongside adequacy and comprehensiveness. As those additional dimensions were addressed elsewhere in the provision, "enjoy" and "have access to" could be, in that particular context, considered equivalent.

**782.** The Employer Vice-Chairperson stated that the term "enjoyment" was subjective, and that governments could only guarantee access.

**783.** The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Colombia, speaking also on behalf of the Government members of Brazil and Uruguay; Mexico and Indonesia supported the amendment, as having access to social protection was a prerequisite to its enjoyment.

**784.** The amendment was adopted.

A.90

**785.** The Employer Vice-Chairperson introduced an amendment to add "sustainable" before "social", and to change "protection" to "systems". Upon implementation, social security systems needed to be sustainable, which would benefit governments, fiscally, but also workers and businesses. Using "social security systems" was consistent with existing ILO language, and paragraph 12 of the draft Recommendation.

**786.** The Worker Vice-Chairperson did not support the amendment because the aim of the proposed Article was to ensure that workers enjoyed social protection, not access to systems. She expressed flexibility on the word "sustainable".

**787.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom, the United States, Chile, the Dominican Republic, and Switzerland did not support the amendment.

**788.** The amendment was withdrawn.

A.114

**789.** The Worker Vice-Chairperson introduced an amendment to remove "with the same classification of status in employment", as workers should not receive weaker social protection because of contractual classifications that were often erroneous or imposed by platforms. Platform workers should enjoy social security protections on terms no less favourable than other workers, allowing national systems to determine implementation, while avoiding a hierarchy of protection according to contested or imposed labels.

**790.** The Employer Vice-Chairperson did not support the amendment. It was important to clarify which rights and benefits were tied to which classification.

**791.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom, the United States, Chile, the Dominican Republic, and Switzerland did not support the amendment.

**792.** The amendment was not adopted.

A.93

**793.** The Employer Vice-Chairperson introduced an amendment to insert “within the Member’s jurisdiction, in accordance with national law” after “status in employment”, to clarify that digital platform workers should receive social security protection no less favourable than that afforded to other workers in the same jurisdiction. She asked the Secretariat to confirm that the comparison was intended to be within, rather than across, jurisdictions and to explain how the provision would apply to online platform workers residing in a different country from the platform.

**794.** A representative of the Secretariat explained that social security access generally depended on the country of residence or employment, subject to eligibility conditions such as minimum contribution or residence periods. For workers with temporary or mobile work patterns, including those referred to as “digital nomads”, access would depend on national legal frameworks and fulfilment of eligibility criteria. Moreover, the reference to “no less favourable terms” applied within each jurisdiction and not across jurisdictions.

**795.** The amendment was withdrawn, Article 11 was adopted as amended and Part IX was adopted as amended.

## Title of Part X

**796.** The title of Part X – Impact of the use of automated systems – was adopted.

### Article 12

**797.** Article 12 was adopted.

### Proposal to insert a new Article before Article 13

A.116

**798.** The Worker Vice-Chairperson introduced an amendment to insert a new Article with the following text:

> Each Member shall require digital labour platforms to consult workers’ representatives, with the assistance of a technical adviser of their choice, about the matters referred to in Article 12.

**799.** She stressed that consultation was a core ILO principle and particularly important in platform work, where systems affecting working conditions could be opaque, especially when they were established through automated systems. Moreover, the use of independent expert assistance was a well-established practice in OSH, where workers participated in risk assessment. The amendment was not intended to call for consultation on technology itself, but on systems used to monitor and evaluate work or to generate decisions affecting the working conditions of digital platform workers. Moreover, allowing workers access to technical expertise would help address information asymmetries and strengthen worker participation in algorithmic management.

**800.** The Employer Vice-Chairperson did not support the amendment because, in effect, it modified the agreed text of Article 12, whose discussion the Committee had agreed not to reopen. Additionally, the amendment would require companies to consult with unions before a worker was employed or engaged, and because it was too prescriptive in requiring a technical adviser of the workers’ choice to provide assistance.

**801.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment, considering it was too prescriptive.

**802.** The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Chile, Argentina, Uzbekistan and Malaysia, did not support the amendment. The Government member of Colombia did not support the amendment because, although he recognized the importance that workers understand how decisions were made and to have technical assistance, it departed from the agreed text of Article 12.

**803.** The Government member of Mexico supported the amendment, as it was fundamental that workers be able to engage in social dialogue on matters affecting their working conditions. He disagreed that the proposal overlapped with Article 12, arguing that the new Article concerned consultation and collective bargaining, whereas Article 12 dealt with informing workers about algorithms and automated decision-making systems. To reduce the level of detail, he introduced a subamendment, seconded by the Worker Vice-Chairperson, to delete ", with the assistance of a technical adviser of their choice,".

**804.** The Government member of the Niger asked whether Article 23 might address the concern raised by the Government member of Mexico.

**805.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account the views of government members, the amendment was not adopted.

## Article 13

### A.100 and A.64

**806.** The Employer Vice-Chairperson introduced an amendment (A.100) to delete Article 13 arguing that Article 3 already required Member States to uphold fundamental principles and rights at work in the platform economy. Those obligations rested with Member States, not companies, and thus Article 13 was inconsistent with the 1998 Declaration.

**807.** The Government member of India, speaking also on behalf of the Government members of Bahrain, India, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Uzbekistan, introduced an identical amendment (A.64). The fundamental principles and rights addressed in Article 13 were adequately covered by Article 3 of the draft Convention, and the proposed content on automated systems and algorithmic management was too detailed given the rapid evolution in technology and its regulation. He proposed moving the Article to the Recommendation to provide guidance while allowing flexibility in implementation.

**808.** The Worker Vice-Chairperson did not support the amendment. Article 13 did not duplicate Article 3 but rather indicated how Member States should implement its obligations in relation to automated systems. Automated systems could infringe on workers' fundamental rights, for example: digital monitoring could deter organizing and collective bargaining; opaque penalties and the threat of deactivation could intensify economic coercion and the risk of forced labour; algorithmic ranking systems could be discriminatory by penalizing workers for illness, care responsibilities or participation in collective action; and algorithmic quotas and surveillance could contribute to exhaustion, unsafe behaviour and preventable accidents. It was necessary for the provision to ensure the protection of fundamental principles and rights in all dimensions and stages of platform work.

**809.** The Government member of Australia did not support the amendment and requested that the Secretariat advise the Committee as to why it had included the Article in the draft Convention and what responses had been received from jurisdictions in the context of the Brown report. [10]

[10] ILC.114/Report V(3).

**810.** The Government member of the Bahamas did not support the amendment, as it was important for some jurisdictions.

**811.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**812.** The Government members of the United States and Argentina supported the amendment, as Article 3 applied to the whole Convention and correctly placed the duty to protect fundamental rights on governments, while businesses would be responsible for complying with national laws giving effect to that duty. Article 13, by contrast, would require governments to oblige platforms to ensure fundamental principles and rights at work.

**813.** The Government member of Colombia did not support the amendment. Article 13 usefully recalled that automated systems could give rise to violations of fundamental principles and rights at work.

**814.** The representative of the Secretary-General explained that the inclusion of the provision in the draft Convention reflected the views expressed by constituents in their responses to the Brown report. Most respondents supported its inclusion in the instrument. While the original draft had contained more detailed provisions, the Office revised the text in line with constituents' preference for a principle-based Convention, moving the detailed elements to paragraph 15 of the Recommendation. The provision did not duplicate Article 3. Article 3 established a general obligation to respect, promote and realize fundamental principles and rights at work in the platform economy, whereas Article 13 imposed a specific obligation to ensure that the operation of automated systems did not undermine those rights.

**815.** The Government member of Cambodia supported the amendment. While reaffirming the importance of fundamental principles and rights at work, Article 13 extended beyond traditional labour standards by addressing automated systems and digital technologies. These were complex and rapidly evolving areas for which no international consensus existed. The Convention should focus on workers' rights and working conditions, while allowing countries sufficient flexibility to develop their own approaches to regulating technological developments.

**816.** The Government member of Chile supported the amendment. Article 13 raised concerns about its implications for digital labour platforms and automated systems. While recognizing the importance of protecting workers' rights, the broad wording of Article 13 could lead to interpretations extending beyond that objective and could affect business operations. Workers' fundamental rights were already adequately protected under Article 3.

**817.** The Government member of Mexico did not support the amendment. Automated systems could create risks and vulnerabilities for workers and Article 13 established a necessary minimum standard without which the Convention would have limited practical effect. As reflected in Article 2, fundamental principles and rights at work were universal rights applicable to all workers, regardless of employment status. Article 13 extended that commitment by ensuring that automated systems did not undermine those rights.

**818.** The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Australia, Brazil, Canada, Colombia, Indonesia and Switzerland did not support the amendment.

**819.** The Employer Vice-Chairperson noted that proposed Article 13 departed from the 1998 Declaration, which placed responsibility for respecting, promoting, and realizing fundamental principles and rights at work on Member States, and not on companies. She also questioned how governments would implement the proposed provision, and how compliance would be assessed and reported to the ILO.

**820.** The representative of the Secretary-General explained that proposed Article 13 was in line with the 1998 Declaration in that it did not transfer Member States' obligations under the Declaration to private actors, but rather called on Member States to prescribe obligations on other actors, including private sector actors, in operationalizing their obligations. The proposed Article would require Member States to ensure that digital labour platforms did not use automated systems in ways that infringed fundamental principles and rights at work, consistent with existing ILO standards, such as Convention No. 155, under which Member States fulfilled their obligations by requiring employers and other private actors to take specific measures. Article 13 therefore did not seek to transfer the constitutional commitment of Member States, but rather specified one means by which Member States could fulfil their obligation by requesting certain actors to take necessary measures to ensure that the fundamental principles and rights at work of digital platform workers were respected in the use of automated systems.

**821.** The Worker Vice-Chairperson and the Government member of Peru did not support the amendment.

**822.** The Employer Vice-Chairperson maintained that Article 13 created an obligation on digital labour platforms in relation to their use of automated decision-making systems, which was inconsistent with the allocation of responsibilities under the 1998 Declaration.

**823.** The Government member of the United States, supported by the Government member of India, stated that the Office's clarification had reinforced his concern that the amendment would require Member States to impose obligations on digital labour platforms regarding automated systems and the fundamental principles before those obligations and concepts had been defined in national law.

**824.** The Government member of Uruguay did not support the amendment. Regulating platform technologies and automated systems should not be seen as an affront to technology or digital labour platforms, but as a recognition of their growing role in organizing, monitoring and directing work in the platform economy. The objective was not additional regulation but the adaptation of existing legal protections to new realities to safeguard workers' rights. While governments remained responsible for establishing and enforcing legal protections, private actors also had to respect those rights.

**825.** The Government member of Mexico did not support the amendment. While acknowledging concerns regarding implementation, he cited national provisions that regulated digital labour platforms requiring that rules governing service provision be clear and understandable to workers, and that algorithmic systems be reasonable, reflect the objective needs of work, and not undermine workers' health or integrity. Those provisions had been negotiated and accepted by platform companies, demonstrating that such measures were feasible and enforceable.

**826.** The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment.

**827.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Each Member shall take appropriate measures to ensure responsible use of automated systems by digital labour platforms as defined in Article 1(a), as consistent with Member States' obligations to respect, promote, and realize the fundamental principles and rights at work.

**828.** The Government member of Brazil recalled that he had presented an amendment (A.65) to ensure that automated systems were not used to circumvent applicable legal obligations or to create undue competitive advantages for businesses, which was vital for protecting fundamental principles and rights at work in the platform economy. He would not, however, block consensus on the agreed text.

**829.** Amendment A.100 was adopted as subamended and, as a consequence, the other amendments (A.64, A.131, A.132 A.134 and A.65) fell.

**830.** Article 13 was adopted as amended.

### Proposal to insert a new Article after Article 13

A. 76

**831.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to add a new Article after Article 13, that would read:

> Members shall require digital labour platforms to regularly monitor and evaluate the impact of the use of automated systems, and apply any necessary corrective measures, in collaboration with digital platform workers' representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers.

**832.** Automated systems were a defining feature of platform work and therefore fell within the scope of the instrument. Platforms should be required to monitor and evaluate the impact of such systems and take corrective action where necessary.

**833.** The Worker Vice-Chairperson supported the amendment.

**834.** The Employer Vice-Chairperson did not support the amendment. Decisions regarding the use, monitoring and evaluation of technology were an enterprise's prerogative. The proposal would require platform companies to share proprietary information far beyond what was required of other businesses, noting the widespread use of automated decision-making systems beyond the platform economy. It was unfair to impose such obligations solely on platform companies.

**835.** The Government members of Namibia, speaking on behalf of the Africa group; Mexico, Chile, Argentina, the United States, India, Colombia, Türkiye, Peru, Thailand, China, Malaysia and Singapore did not support the amendment as it was overly prescriptive.

**836.** The amendment was withdrawn.

### Article 14

A.111

**837.** The Employer Vice-Chairperson introduced an amendment to delete Article 14. The Article went beyond the ILO's mandate by prescribing specific approaches to the governance of automated decision-making systems. Requiring written explanations and human review constituted implementation measures rather than principles and would be difficult to apply, particularly for MSMEs, given the scale of automated decision-making by digital labour platforms. The Article also raised concerns regarding the personal data of digital platform workers, as it would permit a broad range of organizations to request that information. Those measures would also undermine the effective use of automated decision-making systems. It was unfair to impose such obligations solely on digital labour platforms.

**838.** The Worker Vice-Chairperson did not support the amendment. Workers should have access to information concerning decisions affecting their working conditions and access to work. Article 14 did not regulate technology itself but rather sought to ensure transparency and accountability in decisions taken through automated systems. Providing explanations for decisions such as suspension, deactivation or restrictions on access to work was comparable to information workers would ordinarily receive in a traditional workplace and could be provided without disclosing confidential or commercially sensitive information. Access to explanations and human review would enable workers to understand and challenge decisions that adversely affected them.

**839.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Automated systems were a defining feature of platform work and therefore fell within the ILO's mandate. They could create risks relating to transparency, privacy, opaque decision-making and hidden forms of control, including through the misclassification of workers. Human oversight was essential.

**840.** The Government member of the United States supported the amendment. Article 14 imposed obligations that would be difficult to implement. Requiring platforms to provide written explanations for decisions affecting working conditions or access to work could apply to a very large number of automated decisions and, combined with obligations to respond on request and without unreasonable delay, would create disproportionate compliance burdens, particularly for smaller and emerging platforms. Requiring human review of certain decisions mandated a specific operational process rather than a principle, despite limited evidence regarding its effectiveness and concerns that automated review could in some circumstances provide greater protection against discrimination and retaliation. Article 14 also singled out digital labour platforms although similar technologies were used throughout the economy. Binding international rules on algorithmic management would be premature given the evolving international debate on artificial intelligence governance and could undermine ratification, innovation, job creation and enterprise development.

**841.** The Government member of Australia did not support the amendment, noting the advice previously provided by the Legal Adviser that technological developments fell within the ILO's mandate where they affected employment, working conditions or labour rights. Automated systems were a key feature of platform work and Article 14 addressed important decent work concerns arising from their use.

**842.** The Government members of Argentina, Cambodia, Japan and New Zealand supported the amendment. Article 14 was overly prescriptive and could create implementation challenges. The Government member of Argentina further considered that Article 12 already provided relevant protections concerning information on automated systems.

**843.** The Government members of Namibia speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Canada, Chile, Indonesia, Mexico, Switzerland, Singapore, Colombia, Türkiye, Peru, Thailand, and Uruguay did not support the amendment. Transparency, accountability and human oversight were important safeguards where automated systems affected access to work, remuneration or continued engagement with digital labour platforms. The Government members of Chile and Colombia considered, however, that the provision should be less prescriptive and that human review should focus on decisions with significant consequences for workers.

**844.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Where decisions are generated by an automated decision-making system, each Member shall take appropriate measures to require digital labour platforms to ensure that digital platform workers have access, on request, and without unreasonable delay, taking into account the classification of status in employment, to:
>
> (a) a written explanation for significant decisions that adversely impact their working arrangements and access to work;
>
> (b) a review of decisions as appropriate that result in the non-disbursement of any amount due to digital platform workers, or the suspension, or deactivation of their account, the termination of their employment or engagement with a digital labour platform.

**845.** Amendments A.111, A.113 and A.115 were adopted as subamended and, as a consequence, all the other amendments to the Article fell (A.61, A.58, A.59, A.78, A.145, A.147, A.143, A.142, A.117, A.118, A.79, A. 144, A.136, A.119, A.81, A.82, A.120 and A.95).

### New paragraph in Article 14

A.104

**846.** Following informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account views expressed by Government members during the consideration of Article 14, it was agreed to insert in the Article a new paragraph to read:

> 2. In giving effect to paragraph 1, each Member shall ensure that digital labour platforms have appropriate human involvement.

**847.** The Government member of Singapore asked if the intended meaning was to ensure human involvement in the adoption of the appropriate measures to be taken by Member States as referred to in the first paragraph's introductory sentence, in subparagraph (a), in subparagraph (b), or in all of them.

**848.** The Worker Vice-Chairperson requested that the text be subamended to read "each Member shall ensure appropriate human involvement in digital labour platforms", so that it would clearly be the responsibility of governments to ensure that human involvement in the implementation of all actions delineated in paragraph 1.

**849.** The Chairperson noted his understanding that the agreement was to establish an obligation on the Member States to ensure that digital labour platforms would comply with their responsibility to ensure human involvement in giving effect to the actions delineated in the entire paragraph 1.

**850.** The Government members of Australia and Singapore expressed concerns regarding disagreement between social partners on the terminology used, as it could jeopardize implementation.

**851.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment based on his understanding that "human involvement" meant a meaningful human intervention in the review of all the decisions mentioned in paragraph 1.

**852.** Amendment A.104 was adopted as subamended, another amendment (A.121) fell and Article 14 was adopted as amended.

**853.** Part X was adopted as amended.

## Title of Part XI

**854.** The title of Part XI – Protection of digital platform workers' personal data and privacy – was adopted.

### Article 15

A.133

**855.** The Government member of the United States, seconded by the Employer Vice-Chairperson, introduced an amendment to delete Article 15. Digital privacy was not unique to the platform economy and should be addressed in a wider-scope standard. The technologies concerned were already used throughout the economy and would become increasingly widespread. A more general safeguard provision could be included in the draft Recommendation.

**856.** The Employer Vice-Chairperson indicated that data privacy was an economy-wide issue and that platform-specific regulations could create an unwanted hierarchy of privacy protection between platform and non-platform workers. A forthcoming ILO experts' meeting would address the topic and well-developed national and regional data privacy laws already applied across the economy, including to digital labour platforms. Data was also used to promote safety and prevent fraud on platforms.

**857.** The Worker Vice-Chairperson did not support the amendment. While not unique to the platform economy, the continuous collection and processing of workers' data was a structural feature of platform business models, which warranted the explicit application of protection to platform workers. Article 15 applied the principles of necessity and proportionality in relation to personal data, already existent in labour and data protection law, to the platform economy. The provision did not prohibit the processing of data required for the organization of work or legal compliance but ensured that the monitoring and collection of workers' personal data remained linked to legitimate purposes related to the work relationship or engagement. Without such safeguards, platform workers risked being exposed to excessive surveillance and profiling. The Private Employment Agencies Convention, 1997 (No. 181), also addressed personal data. The ILO had previously addressed broader issues through instruments focused on specific categories of workers, as was the case in Convention No. 190.

**858.** The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Brazil, Mexico, Chile, Canada, Switzerland, and Indonesia did not support the amendment given the significant risks associated with the collection and processing of digital platform workers' personal data.

**859.** The Government member of Argentina supported the amendment. The proposed Article had merit, but would be better placed in the draft Recommendation.

**860.** The Government member of Australia did not support the amendment. The processing of workers' personal data was intrinsic to the platform economy and needed to be dealt with in the Convention. Constituents should consider the intent of the proposed Article, notably that workers' data should only be used in connection with their work.

**861.** To allow flexibility and adherence to national laws, the Government member of Israel, seconded by the Government member of the United States, introduced a subamendment for the text to read: "Each Member shall establish effective and appropriate safeguards concerning digital platform workers' personal data as required by its national laws and regulations".

**862.** The Worker Vice-Chairperson did not support the subamendment, as without the restrictions on data processing, the Article would lack substantive content and a clear safeguard.

**863.** The Employer Vice-Chairperson and the Government members of Japan, Chile, India, and Argentina supported the subamendment.

**864.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Mexico, Canada, Switzerland, Uruguay, Colombia and Australia did not support the subamendment.

**865.** The subamendment and the amendment were withdrawn.

### A.123

**866.** The Employer Vice-Chairperson introduced an amendment to replace "establish effective and appropriate safeguards concerning" with "ensure that relevant privacy laws apply to". The focus should be on applying existing national, regional and international privacy laws, rather than on the establishment of new measures specific to the platform economy.

**867.** The Worker Vice-Chairperson did not support the amendment. Specific obligations restricting the use of personal data were needed to ensure effective and appropriate safeguards for the collection and processing of personal data in the platform economy. A generic reference to privacy laws, which might be absent, insufficiently applicable to the platform economy, or inadequate in addressing the risks associated with algorithmic management, was insufficient.

**868.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**869.** The Government member of Australia requested clarification on whether existing privacy laws could satisfy the requirement or whether new or dedicated legislation would be needed and the Government member of Canada asked what would happen in countries with no workers' personal data protections.

**870.** The representative of the Secretary-General explained that where a country already had effective data protection laws or regulations that applied to platform workers, those protections would continue to apply. Where existing legislation did not cover platform workers, or where no adequate data protection framework existed, Member States would need to extend existing protections or adopt new measures to ensure appropriate coverage.

**871.** The Employer Vice-Chairperson expressed concern that Article 15 could create a separate set of privacy-related requirements applicable only to platform workers, rather than ensuring that digital platform workers were adequately covered by broader national privacy frameworks. Noting the preference in the Committee for retaining safeguards, she proposed a subamendment to add the term "risk-based" to read in full "Each Member shall establish effective, risk-based and appropriate safeguards".

**872.** The Worker Vice-Chairperson did not support the amendment or subamendment since it added a qualification on what safeguards should be put in place. The Office text was clearer.

**873.** The Government members of Namibia, speaking on behalf of the Africa group, and Mexico did not support the amendment which modified the scope of the Article.

**874.** The Employer Vice-Chairperson withdrew the amendment and expressed hope that a middle-ground solution would be found.

## A.125

**875.** The Employer Vice-Chairperson introduced an amendment to delete "and ensure that it is processed only to the extent strictly necessary for the purpose of their employment or engagement or as required by national laws and regulations". At the same time, she proposed a subamendment to reinstate much of the proposed deletion for that text to read "ensure that it is processed <u>reasonably</u> for the purpose of their employment or engagement and <u>business operations</u> or as required by national laws and regulations". If relevant privacy laws were applied, by definition, the data would be processed as required by national laws and regulations. Language such as "extent strictly necessary" was not in line with a principle-based Convention. Data processed by digital labour platforms was often used not only in relation to workers' engagement or employment but also for broader operational purposes. The point was to ensure that platforms could continue to operate effectively while respecting privacy protections.

**876.** The Worker Vice-Chairperson did not support the amendment or subamendment which would alter the draft provision's intent away from its core objective of protecting workers' personal data and could create legal ambiguities. Removing the requirement that data be processed only to the extent strictly necessary would weaken that protection and replace a specific obligation with a more general and less effective formulation.

**877.** The Government member of the United States supported the subamendment considering that it remained true to the intent of the Office text while providing scope for digital labour platforms and businesses to use, retain and process data that might be needed for safety, compliance and liability-related reasons.

**878.** The Government member of the United Kingdom proposed a further subamendment, seconded by the Government member of Singapore to provide a middle ground by inserting after "processed" the phrase "for the purposes for which it is collected, and not further processed in a manner that is incompatible with those purposes". The existing phrase "to the extent strictly necessary for the purpose of their employment or engagement" lacked a settled meaning in data protection law. The proposed amendment would take a purpose-based approach, requiring data to be processed only for the purposes for which it was collected and not further processed in a manner incompatible with those purposes. The language was used in established data protection frameworks, including the Council of Europe's Convention for the protection of individuals with regard to the processing of personal data (Convention 108), the Guidelines on the Protection of Privacy and Transborder Flows of Personal Data of the Organisation for Economic Co-operation and Development (OECD Privacy Guidelines), and the EU General Data Protection Regulation, as well as various domestic legal systems.

**879.** The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Japan, Switzerland, Mexico, Norway, Brazil, Colombia and Canada supported the subamendment.

**880.** The Worker Vice-Chairperson expressed concern that the discussion was moving away from the protection of platform workers' personal data collected on the job and the restriction on how such data were used, especially where such data collection served other profiteering purposes. To realign the scope of the draft Article, she proposed another subamendment for the draft paragraph to read "Each Member shall establish effective and appropriate safeguards concerning digital platform workers personal data and ensure that it is processed for the legitimate purpose for which it is collected, and not further processed in a manner that is incompatible with the rights and protections set out in this Convention".

**881.** The Employer Vice-Chairperson preferred the subamendment of the United Kingdom as it already captured the points raised by the Workers' group.

**882.** The Government member of Australia supported the subamendment of the Workers' group as it was important to impose limits on the use of data.

**883.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Canada, Indonesia, Uruguay, Brazil, Uzbekistan, Mexico, Switzerland, Colombia, Norway, the United Kingdom and Argentina supported the subamendment.

**884.** The Employer Vice-Chairperson in a spirit of flexibility, supported the subamendment of the Workers' group.

**885.** The amendment was adopted as subamended, two other amendments (A.97 and A.107) fell, and Article 15 was adopted as amended.

**886.** Part XI was adopted as amended.

## Proposal to insert a new part after Part XI

A. 135

**887.** The Government member of Switzerland, speaking also on behalf of the Government member of Türkiye, introduced an amendment to insert a new Part after Part XI to address the protection of confidential business information as follows:

> **Business confidentiality**
>
> **New Article**
>
> Each Member, after consultation with representative organizations of employers and workers, shall take measures to protect business confidentiality with respect to commercially sensitive information, so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not compromised thereby.

**888.** While the draft Convention did not ask businesses to disclose sensitive commercial data, there should be an explicit safeguard provision clarifying that transparency obligations should not require the disclosure of confidential business information, to provide legal clarity without altering the substantive balance of the text.

**889.** The Worker Vice-Chairperson did not support the amendment. It was important to focus the discussion on workers' rights and the impact of technology on working conditions. Platform workers were sometimes prevented from organizing or discussing aspects of their work on grounds of commercial sensitivity. The proposed text could require workers to demonstrate that their rights had been compromised before obtaining access to information withheld on those grounds.

**890.** The Employer Vice-Chairperson introduced a subamendment to delete "after consultation with representative organizations of employers and workers" and ", so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not compromised thereby".

**891.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

**892.** The Employer Vice-Chairperson proposed another subamendment to insert "while also protecting the rights of digital platform workers under this Convention" after "information".

**893.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the subamendment.

**894.** The Government member of Brazil did not support the subamendments and asked the Secretariat whether "business confidentiality" was commonly used in ILO Conventions.

**895.** The representative of the Secretary-General noted that the specific term "business confidentiality" was not used in existing ILO standards. However, there existed provisions in ILO instruments that protected confidential business information, including the Biological Hazards Convention, 2025 (No. 192), and the Chemicals Convention, 1990 (No. 170). Both instruments required competent authorities to make special provisions for the protection of confidential information whose disclosure to competitors could harm an employer's business, if worker safety and health were not compromised.

**896.** The Worker Vice-Chairperson introduced a subamendment to delete the proposed title and to modify the text of the new proposed Article to read:

> Each Member, after consultation with representative organizations of employers and workers, shall take measures to protect confidentiality of commercially sensitive information, so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not thereby compromised.

**897.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, though informal discussions having taken into account the views of government members, the subamendments fell and the amendment was not adopted.

## New paragraphs under Article 15

### A.122

**898.** The Worker Vice-Chairperson introduced an amendment to insert a new paragraph under draft Article 15 to read:

> Each Member shall ensure that digital platform workers have the right to demand access to and the rectification and erasure of their personal data processed by digital labour platforms.

**899.** The proposed text addressed a gap in the safeguarding of personal data by ensuring that digital platform workers would have access to the data to verify its accuracy, as well as the opportunity to contest underlying decisions affecting them. Without such access, workers would be unable to contest or rectify calculations of remuneration, dismissal or other disciplinary decisions, or challenge erroneous outcomes. Affording platform workers the right to demand erasure of their data would also protect them from indefinite surveillance and from possible consequences following their departure from a platform. The paragraph would ensure minimum rights on personal data access and the rectification and erasure of data across jurisdictions, applicable irrespective of employment status, and consistent with protections afforded to workers in other contexts.

**900.** The Employer Vice-Chairperson did not support the amendment since it drew the ILO into areas, namely data protection and privacy, that extended beyond its mandate. The draft Convention should remain focused on labour-related principles rather than detailed data governance provisions.

**901.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the amendment.

**902.** The Government member of the United States did not support the amendment. There were a myriad of legitimate legal and operational reasons why enterprises might be required to retain data, including for compliance with regulatory obligations such as taxation, auditing or legal accountability. Imposing a general obligation to erase data could conflict with such requirements and create significant legal and operational difficulties.

**903.** The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to replace the word “request“ with “demand” to avoid language that could be considered overly prescriptive.

**904.** The Government member of Israel did not support the amendment since the right to erasure was not recognized in national legislation.

**905.** The Government members of Canada, Uzbekistan, Mexico and Uruguay supported the amendment as subamended.

**906.** The Employer Vice-Chairperson proposed to add “subject to applicable data retention laws” at the end of the paragraph to make the provision more workable since businesses were often required by law to retain certain data, including for fiscal, regulatory or compliance purposes. With this addition, the Employers’ group would be prepared to join the consensus.

**907.** The Government member of China asked the Secretariat to clarify the intended scope of “personal data”.

**908.** The representative of the Secretary-General stated that “personal data” referred to any information relating to an identified or identifiable individual, consistent with existing ILO instruments, including the ILO code of practice on the protection of personal data and the Private Employment Agencies Convention, 1997 (No. 181).

**909.** The Worker Vice-Chairperson and the Government members of Thailand, the United Kingdom and Colombia supported both subamendments.

**910.** The Government member of the United States proposed to clarify punctuation and ensure legal clarity in the listing of rights so that the text would read:

> Each Member shall ensure that digital platform workers have the right to request access to, the rectification of, and erasure of their personal data processed by digital labour platforms subject to applicable data retention laws.

**911.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, China, Mexico and New Zealand, and the Worker Vice-Chairperson supported the subamendment.

**912.** The amendment was adopted as subamended by the Africa group, the Employers' group and the Government member of the United States, and the new paragraph in Article 15 was adopted.

### A.124

**913.** The Worker Vice-Chairperson introduced an amendment to insert another new paragraph under Article 15 to read:

> Each Member shall ensure that digital platform workers enjoy the right to the portability of personal data generated through their performance of work, including their ratings and reviews.

**914.** Portability of personal data, including data linked to their reputation, was of great importance to digital platform workers. Such portability would allow them to demonstrate their experience, skills and earnings across digital platforms, thereby facilitating career mobility within the platform economy. Data portability could also support access to social protection and compensation schemes requiring proof of income and experience and enable continuity of benefits across platforms.

**915.** The Employer Vice-Chairperson did not support the amendment based on its operational challenges. Digital platforms utilized different technologies, methodologies and metrics, which would make data portability across systems technically difficult. A further challenge would be the protection of proprietary information and intellectual property. Enterprises should retain the freedom to design their own technological systems and avoid the risk that imposing standardized portability requirements could have on their capacity to innovate.

**916.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Norway and Uruguay supported the amendment.

**917.** The Government member of the United States did not support the amendment since mandating portability would be unnecessary and burdensome. Workers already retained the ability to share their data voluntarily through curricula vitae. Forcing enterprises to harmonize their proprietary tools would constrain innovation and limit their capacity to design distinct business models.

**918.** The Worker Vice-Chairperson clarified that the amendment did not seek to require platforms to accept or integrate rating systems from other platforms, nor to harmonize systems. The intention was limited to ensuring that workers could obtain a machine-readable copy of their own personal data, which could then be used independently by the worker. The draft paragraph related solely to workers' data and should not pose a risk to third-party data that could be anonymized.

**919.** The Government member of Argentina did not support the amendment given the complexity implied by its implementation and since it would potentially create differentiated standards across categories of workers.

**920.** The Government member of Japan did not support the amendment. The portability of social security data was already established, and portability of ratings and similar personal data fell outside the scope of the ILO mandate.

**921.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account views of government members, the amendment was not adopted.

## Title of Part XII

A.166

**922.** The Worker Vice-Chairperson introduced an amendment to insert the word "Restriction," at the beginning of the title, with the intention of including restriction of digital platform workers' access to work in the Articles thereunder. Account restrictions required the same level of clear and enforceable safeguards as suspension or deactivation of accounts, as they could harm workers' livelihoods by gradually preventing them from accessing work, thereby generating stress and precarity.

**923.** The Employer Vice-Chairperson did not support the amendment, as restrictions were common in the platform economy, for instance where self-employed platform workers chose not to receive work offers during certain periods, or work offers of a certain type.

**924.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the amendment since restrictions placed on digital platform workers' accounts could have a significantly negative and detrimental impact on their access to work.

**925.** The Government member of Singapore considered that the title should reflect the content of the Articles in the part concerned.

**926.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account views of government members, the amendment was not adopted and another amendment (A.151) fell.

**927.** The title – Suspension or deactivation of account and termination of employment or engagement – was adopted without amendment.

## Article 16

A.178

**928.** The Employer Vice-Chairperson introduced an amendment, to replace "take measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their employment or engagement with a" with "encourage digital labour platforms to make information available about the grounds for deactivation and suspension". While the Employers' group agreed that the world of work should be free from discrimination, that right was already addressed in international, regional and national laws, including in Article 3 of the draft Convention, and Member States already had the necessary tools to identify and prevent discrimination. Digital platforms sometimes had to suspend or deactivate accounts to promote safety and prevent fraud, for example if a minor attempted to create an account or an account was created with false information, and their ability to do so should be respected and protected. Thus, the Article should encourage rather than require platforms to make information available about the grounds for deactivation and suspension.

**929.** The Worker Vice-Chairperson did not support the amendment as encouragement was not a sufficiently strong measure to prevent deactivation and suspension for unjustified or discriminatory reasons. The amended text also suggested that the platform would first have to decide that an action was discriminatory, and only then make the information available, which was the opposite of what was intended.

**930.** The Employer Vice-Chairperson noted that her group's intention was to propose deleting "when it is based on discriminatory or otherwise unjustified grounds" in another amendment. The Article would encourage platforms to share information about deactivation and suspension based on any grounds.

**931.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia and Mexico did not support the amendment as the deletion would significantly weaken the text.

**932.** The Government members of Namibia, speaking on behalf of the Africa group; Niger and Brazil did not support the amendment.

**933.** The Government member of Colombia did not support the amendment and preferred the original text as it provided a well-defined framework for the situations in which platforms would have to share information regarding the deactivation or suspension of an account, which was a reasonable request.

**934.** The Government member of Uruguay did not support the amendment, remarking that encouragement was not a sufficient consequence of a platform suspending or deactivating an account on discriminatory grounds; sanctions were called for when such rights were violated.

**935.** The Government member of Canada did not support the amendment and asked the Office to clarify the phrase "otherwise unjustified grounds".

**936.** A representative of the Secretariat clarified that the meaning of "otherwise unjustified grounds" was not defined in the Article, allowing Member States to define it in their legal frameworks. Some countries had included unjustified grounds for termination in their legal frameworks applying to the platform economy, as well as justified grounds. In the Yellow report, some governments expressed a preference for "unjustified grounds" to be further defined, whereas others did not, and it was subsequently not defined further.

**937.** The Employer Vice-Chairperson remarked that the draft instrument repeatedly sought to restrict business. For those platform workers who were self-employed, termination implied ending a commercial contract, which went beyond the ILO's mandate. It was important that the employer community be able to support the instruments when finalized and that would mean not placing so many restrictions on businesses. To move forward, she would withdraw the amendment but urged the Committee to not hinder the opportunities brought by the platform economy.

**938.** The amendment was withdrawn.

A.156

**939.** The Government member of India, seconded by the Employers' group, introduced an amendment to insert ", in accordance with national law and practice," before "take measures", and to delete "or otherwise unjustified", giving Member States flexibility in implementing measures as they differed in the regulation of the evolving platform economy. The wording "other unjustified grounds" was too broad and vague.

**940.** The Worker Vice-Chairperson did not support the amendment. The design of measures need not be circumscribed to national law and practice, and suspension, deactivation or termination should not only be restricted on the grounds of discrimination. For example, a ride-hail driver who feared abuse or violence, or a domestic worker who felt unsafe entering a home due to concerns about harassment, should be able to refuse the work without fear of penalty. Platform workers should be free to decline assignments on safety or other reasonable grounds.

**941.** The Government member of the Niger noted that proposed Article 16 did not aim to prohibit enterprises from taking any actions, it was only trying to prohibit them from taking specific actions that were based on discrimination. It seemed obvious that enterprises did not have a right to suspend or deactivate a worker's account on discriminatory grounds.

**942.** The Government member of Mexico could not support the amendment and preferred the Office text, as there were legitimate grounds beyond discrimination, such as the non-fulfilment of a contract or the non-fulfilment of duties, on which Members should prohibit suspension, deactivation or termination, whether or not the worker concerned was self-employed. Moreover, workers had the right to know the grounds on which a platform barred them from accessing work, and those reasons should be justified. He did not support the inclusion of "in accordance with national law and practice" based on earlier explanations provided by the Legal Adviser.

**943.** The Employer Vice-Chairperson proposed a subamendment to add "or otherwise unlawful grounds" before "discriminatory", recognizing that there were indeed other legal grounds that should be included. "Unlawful" was clearer than "unjustified" and captured the possible scenarios described.

**944.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the deletion of "or otherwise unjustified" and introduced a subamendment to remove ", in accordance with national law and practice," as it was not required in that Article.

**945.** The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment as subamended by the Employers' group and the EU Member States for the sake of legal clarity and consistent application across different legal and cultural contexts.

**946.** The Government member of the United States, seconded by the Government member of Argentina, proposed to insert the word "unlawful" before "discriminatory or otherwise unlawful grounds".

**947.** The Worker Vice-Chairperson proposed a further subamendment for the phrase to read: "when it is based on discriminatory or otherwise invalid or arbitrary grounds", allowing flexibility for Member States to decide what grounds to include, as the term "unlawful" would not capture instances of workers being barred from work for refusing potentially unsafe work or working on multiple platforms.

**948.** The Government member of the United States noted that his subamendment also provided room for Member States to determine what was unlawful. The word "unlawful" was also necessary if the Article did not distinguish according to employment classification.

**949.** The Government member of the United Kingdom supported the subamendments introduced by the Employers' group, the EU Member States, and the Government member of the United States.

**950.** The Government member of Colombia supported the subamendment introduced by the Workers' group as it prevented the arbitrary nature of actions that could affect workers access to work. The remainder of the text of the Article however should remain as proposed by the Office.

**951.** The Employer Vice-Chairperson did not support the Workers' group's subamendment as it simultaneously imposed limits on measures platforms could take while providing ambiguous guidance on the nature of those limits. The Employers' group supported anti-discrimination measures, but it was important to provide clear guidance regarding the grounds covered and who would be responsible for determining them. She supported the subamendment introduced by the EU Member States, as subamended by the Government member of the United States. “Unlawful grounds” was a clear concept that captured invalid and arbitrary measures, providing a basis for compromise.

**952.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment or any of the subamendments. She introduced a subamendment proposing to end the sentence after the words “discriminatory grounds”.

**953.** The Government member of Canada supported the Office text. It was principle-based while providing sufficient flexibility for Member States to determine what grounds would be considered justified. Moreover, including “otherwise unjustified grounds” would not prevent platforms from taking justified action to suspend or deactivate an account or terminate an engagement.

**954.** The Employer Vice-Chairperson expressed willingness to work with the amendment of the Africa group and introduced a subamendment to insert the word “unlawful” before “discriminatory grounds”. Platforms needed to be able to remove accounts unlawfully held by minors, for example, and the term “discriminatory grounds” alone could create legal difficulties in such circumstances.

**955.** The Government member of Brazil supported the Office text. The expression “unlawful discriminatory grounds” or other references to “unlawful” were unnecessary, since conduct that was unlawful was already prohibited.

**956.** The Government member of Australia noted that the Office text provided desirable flexibility to allow for a range of approaches, and suggested that regulating justified grounds was perhaps more straightforward, citing examples from Australia.

**957.** The Government member of Uzbekistan supported the subamendment proposed by the Africa group as subamended by the Employers’ group.

**958.** The Worker Vice-Chairperson stated that, in the interest of consensus, she could support returning to the Office text. Protection should extend beyond “unlawful discriminatory grounds” and should also cover arbitrary or otherwise unjustified grounds.

**959.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Africa group but did not support the further subamendment proposed by the Employers’ group.

**960.** The Government member of Chile supported the subamendment proposed by the Africa group.

**961.** The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the Office text and, to accommodate the concerns expressed during the discussion, submitted a subamendment to end the provision with “discriminatory, unlawful or otherwise unjustified grounds”.

A.197

**962.** The Government member of Switzerland, speaking also on behalf of the Government members of India, Japan, Türkiye, the United Kingdom and the United States, introduced an amendment to insert “, according to the classification of digital platform workers’ status in employment,” after “take measures”. The termination of an employment relationship differed fundamentally from the termination of a commercial contract and a reference to the classification of digital platform workers’ status in employment was necessary to make the provision workable, implementable and fair.

**963.** The Worker Vice-Chairperson did not support the amendment. Protection against discriminatory, unlawful or otherwise unjustified termination should apply regardless of employment status and should therefore not depend on classification. She introduced a subamendment to delete “, according to the classification of digital platform workers’ status in employment,” and insert “appropriate” after “Each Member shall take” and before “measures”, as an alternative measure of flexibility.

**964.** The Employer Vice-Chairperson supported the amendment but not the subamendment. The termination of an employment contract differed from the termination of a commercial relationship and therefore an explicit reference to employment classification was necessary. The phrase “appropriate measures” lacked legal clarity and did not adequately capture distinctions based on status.

**965.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and supported the subamendment. The reference to “appropriate measures” provided sufficient flexibility while maintaining consistency throughout the instrument.

**966.** The Government member of Chile supported the amendment but did not support the subamendment.

**967.** The Government member of Australia supported the subamendment. The amended text would provide sufficient flexibility while ensuring protection against discriminatory or otherwise unjustified suspension or deactivation.

**968.** The Government member of Mexico supported the subamendment. The instrument should remain principle-based rather than prescriptive and the phrase “appropriate measures” would allow protection to be adapted to different forms of work, including both employed and self-employed digital platform workers.

**969.** The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Uruguay, Brazil, Canada, Colombia, Indonesia, and Singapore supported the subamendment.

**970.** The Government member of India did not support the subamendment. It was necessary to recognize the diversity of legal statuses of digital platform workers across and within jurisdictions.

**971.** The Government member of Singapore asked the Secretariat whether the phrase “appropriate measures” encompassed the meaning intended in the deleted text.

**972.** The representative of the Secretary-General clarified that “appropriate measures” could include the consideration of the classification of status in employment if it was necessary for a Member State to make that distinction.

**973.** The Government member of the United States asked the Office to explain if and when it would be necessary to make use of contract law and employment law to implement the Article as proposed.

**974.** The representative of the Secretary-General explained that the proposed Article established a principle. It was for Member States to determine the most appropriate legal mechanisms to give effect to the protection sought thereunder, which could be achieved through labour law frameworks, commercial or contract law or any other legal mechanism, depending on the country context. In some cases, specific digital platform legislation might cover both employees and workers outside an employment relationship, spanning different classification statuses.

**975.** The Government member of the United States noted that most jurisdictions distinguished sharply between employment relationships and commercial contracts, and that the termination of a commercial contract could not be treated identically to the termination of an employment relationship. Proposed Article 16 required Member States to determine which body of law applied, and the United States understood the provision as permitting Member States to apply commercial contract law, rather than employment termination law, to the termination of engagements with independent contractors.

### A.152 and A.167

**976.** The Worker Vice-Chairperson introduced an amendment to insert the word “restriction,” after the words “prohibit the”. Restrictions, including limits on visibility, search ranking or access to key platform features, were often used as a form of opaque algorithmic penalization. Workers could remain formally active on the platform while effectively losing access to work opportunities without appeal, justification or transparency.

**977.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an identical amendment. Unilateral restrictions imposed by digital labour platforms could have the same effect as suspension or deactivation.

**978.** The Employer Vice-Chairperson did not support the amendment. The instrument was already prescriptive, and many arrangements that workers valued, such as the ability to choose shifts in some jurisdictions or indicate a preference for certain types of offers, could be considered restrictions and thus prohibited. Limitations on how platform workers appeared in search results would prevent many platforms from operating.

**979.** The Government member of Australia supported the amendment. The term restriction captured certain nuances of how the platform economy worked beyond suspension or deactivation.

**980.** The Government members of Grenada, on behalf of the CARICOM countries; Namibia, on behalf of the Africa group; Brazil, Canada, Colombia, and Uruguay supported the amendment.

**981.** The Government member of India did not support the amendment. The term “restriction” was overly prescriptive, ambiguous and potentially counterproductive.

### A.153

**982.** The Government member of Cyprus, speaking on behalf of the EU Member States, introduced an amendment to add “or any other decision of equivalent detriment” after “engagement”.

**983.** The Employer Vice-Chairperson, the Government member of Namibia, speaking on behalf of the Africa group, and the Government members of Japan, Chile, and India, did not support the amendment. The draft Convention was already sufficiently prescriptive, and the proposed addition would extend the scope of proposed Article 16 to cover any decisions with negative consequences, which was too broad and unclear, creating potential challenges to interpretation and implementation.

**984.** The Worker Vice-Chairperson supported the amendment. All decisions with significant adverse consequences for workers should be prohibited.

**985.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the proposal in A.156 so that the text would read:

> Each Member shall take appropriate measures to prohibit the suspension or deactivation of a digital platform worker’s account, or the termination of their employment or engagement with a digital labour platform, when it is based on discriminatory or otherwise unlawful grounds.

**986.** The amendment was adopted as subamended, and, as consequence the other subamendments and amendments (A.197, A.150, A.167, A.152, A.153, A.179, A.192, A.198 and A.154) fell.

**987.** Article 16 was adopted as amended and Part XII was adopted as amended.

**988.** Two amendments proposing to insert new Articles after Article 16 (A.168 and A.157) fell.

## Title of Part XIII

**989.** The title – Terms and conditions of employment or engagement – was adopted.

### Article 17

A.193

**990.** The Government member of the United States, seconded by the Government member of Israel, introduced an amendment to delete proposed Article 17. The provision covered independent contracting relationships and would require Member States to regulate commercial contractual arrangements.

**991.** The Employer Vice-Chairperson could support the amendment and requested clarification from the Secretariat on the use of "terms and conditions", noting that it was common in business settings but not in ILO instruments relating to self-employment.

**992.** The Worker Vice-Chairperson did not support the amendment. Access to information on terms of employment or engagement was necessary to help rebalance asymmetries in the relationship between digital labour platforms and workers.

**993.** The amendment was withdrawn.

A.191

**994.** The Employer Vice-Chairperson introduced an amendment to replace "timely, verifiable and easily understandable" with "clear". The text was overly prescriptive and dictated how commercial contracts should be drafted, which was beyond the scope of a principle-based Convention.

**995.** The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, and Colombia did not support the amendment.

**996.** The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Uruguay, Kiribati, Australia and Indonesia did not support the amendment because the Article as proposed by the Office provided appropriate benchmarks to address information asymmetries.

**997.** The Employer Vice-Chairperson introduced a subamendment to replace "clear" with "timely and easily understandable".

**998.** The Worker Vice-Chairperson and the Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

**999.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Mexico and Türkiye, did not support the amendment or subamendment.

**1000.** The Government member of Israel supported the amendment as subamended.

**1001.** The Employer Vice-Chairperson withdrew the subamendment and the amendment and recalled that the Committee had agreed to pursue a principle-based Convention that was not overly prescriptive. The inclusion of lists of requirements, particularly in relation to commercial relationships, would set an undesirable precedent for future international labour standards.

A.194

**1002.** The Government member of the United States, seconded by the Government members of Israel and Argentina, introduced an amendment to delete “or engagement” after “the terms and conditions of their employment”. The Article as drafted would extend to commercial business relationships and require digital labour platforms to provide timely, verifiable and easily understandable information on contractual arrangements to independent contractors, which would create legal uncertainty and be difficult to enforce. Commercial contract law generally fell outside the competence of ministries of labour, and it was inappropriate to impose such requirements through labour regulation.

**1003.** The Worker Vice-Chairperson did not support the amendment. It was important that platform workers, including those who were self-employed, whether through misclassification or not, had timely, verifiable and easily understandable information on the conditions of their engagement.

**1004.** The Employer Vice-Chairperson indicated that her group could support the amendment and echoed concerns about interference with contract law and the need for consistency in the Committee’s work.

**1005.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Brazil, Colombia, Uruguay, and Kiribati did not support the amendment.

**1006.** The amendment was not adopted and Article 17 was adopted without amendment.

**1007.** The Government member of the United States asked the Secretariat to clarify whether the phrase “in accordance with national law and practice” meant that a country could comply without taking any measures regarding commercial relationships, independent contractors or self-employed persons.

**1008.** The representative of the Secretary-General stated that the phrase “in accordance with national law and practice” had to be interpreted in its specific context and provided flexibility regarding the means of implementation. Ratifying countries that already had relevant laws, regulations or practices in place would have to ensure that those complied with the obligations set out in the Article. Countries with no specific laws or practices in place to give full effect to Article 17 would have to adopt measures to implement its requirements. Implementation could be achieved through a range of mechanisms, including regulations, collective agreements, arbitration awards, standardized or individual contracts, as well as general labour law, specialized legislation, commercial law, transport law or a combination thereof.

**1009.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, considered that the phrases “in accordance with national law and practice” and “taking appropriate measures”, which were used interchangeably throughout the draft Convention, as explained by the Secretariat on various occasions, provided Member States with the necessary flexibility regarding how and to what extent a specific provision had to be implemented. Following an assessment of the national circumstances and the employment status of the persons concerned, Member States could conclude that their existing legal framework already provided adequate protection and that no additional measures were required.

**1010.** The Employer Vice-Chairperson indicated that she had a different understanding. If the Committee wanted a differentiation based on classification, it should be stated explicitly, for example through a reference to "the classification of status in employment". The formulations "in accordance with national law and practice", "taking measures" or "taking appropriate measures", and a reference to "the classification of status in employment" provided different degrees of flexibility and were not equivalent.

### Article 18

A.195

**1011.** The Government member of the United States, seconded by the Government member of Argentina, introduced an amendment to delete Article 18. Allowing contracting parties to choose the governing law reflected established legal principles and provided legal certainty for workers and businesses. Such flexibility was especially important in the platform economy, where operations spanned multiple jurisdictions, and would promote coherent regulatory oversight and dispute resolution without undermining existing legal frameworks.

**1012.** The Employer Vice-Chairperson supported the amendment. The Article raised issues of national sovereignty and would interfere with established principles of international law. Workers and businesses had long operated across jurisdictions, and existing legal frameworks already addressed such situations. By way of example, she noted that a platform worker whose contract was governed by the law of one country could become subject to the law of another country merely by being temporarily present there.

**1013.** The Worker Vice-Chairperson did not support the amendment. The law applicable to workers' contracts should be that of the country where workers lived and worked. Otherwise, workers could face significant obstacles in enforcing their rights, creating opportunities for abuse. The same concern applied to workers misclassified as self-employed, who might be required to establish their employment status in another jurisdiction. The Office text provided legal certainty by linking the applicable law to the place where the worker was based, unless otherwise provided under national law or international instruments.

**1014.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

**1015.** The Government member of Argentina considered that the proposed Article 18 was redundant, as international law and national legislation already determined the law applicable to labour issues and the protection of workers' rights. The Article could be interpreted in a manner that conflicted with existing legislation.

**1016.** The amendment was withdrawn.

A.188

**1017.** The Employer Vice-Chairperson introduced an amendment to replace "where the work is performed, unless otherwise provided for in" with "specified contractually, as allowed under the conflict of laws principle, and in line with relevant". The proposed text omitted a reference to contractually specified jurisdiction, a well-established principle under conflict of laws rules. The amendment also sought to clarify that only relevant national laws, international instruments and bilateral or multilateral agreements should be considered, as not all such instruments addressed jurisdiction.

**1018.** The Worker Vice-Chairperson did not support the amendment, as it suggested the sole primacy of the contract, whereas it was the principle of territoriality that should apply. The law applying to workers' contracts had to be the law of the country in which the work was performed.

**1019.** The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Uruguay, Colombia, Canada, Türkiye, Kiribati, Australia, Mexico, Singapore, Chile and Indonesia did not support the amendment.

**1020.** The Employer Vice-Chairperson indicated that, in many jurisdictions, what was being discussed concerned commercial relationships and self-employed workers, and therefore civil and commercial relationships.

**1021.** The Government member of Brazil asked the Secretariat to clarify whether references to international instruments and bilateral or multilateral agreements would affect the application of existing national laws, and whether the text implied that such instruments and agreements prevailed over national laws.

**1022.** The representative of the Secretary-General responded that Article 18 did not place international instruments, multilateral agreements or bilateral agreements above national law, nor did it interfere with Member State sovereignty. The draft provision established the principle that the terms and conditions of employment or engagement of digital platform workers were governed by the law of the country in which the work is performed, unless otherwise provided for under national laws and regulations, international instruments or bilateral or multilateral agreements. The references to international instruments and agreements were intended to provide flexibility for Member States that choose to assume obligations through such arrangements, rather than to create any hierarchy over national law.

**1023.** The Government member of Brazil thanked the Office for the explanation and indicated support for the Office text.

**1024.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> The terms and conditions of employment or engagement of digital platform workers shall preferably be governed by the laws and regulations of the country where the work is performed, unless otherwise provided for in national laws and regulations, international instruments or multilateral or bilateral agreements, taking into account the contractual arrangements.

**1025.** The Government member of Singapore understood that the proposed wording meant that terms and conditions of employment or engagement of the digital platform workers were primarily governed by the domestic law of the country, which would include the classification of workers, the contract and any bilateral or multilateral agreements. He asked the Secretariat to confirm if that was a correct interpretation.

**1026.** The Government member of Australia stated that the phrase "shall preferably be governed by" did not appear to establish an obligation so much as a disposition towards a certain outcome.

**1027.** The Government member of Mexico asked the Secretariat which other instruments used the word "preferably" and what its scope was, as it seemed to give certain preference to an extraterritorial application of the scope of the Convention.

**1028.** A representative of the Secretariat explained that "preferably" was used in international labour standards but not in that particular context. One example of its use was Article 7 of Convention No. 189, which read:

> Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements.

**1029.** The Government member of Malawi, having heard the explanation on the word “preferably”, was not sure what it set out to achieve. She requested a clarification from the Employers’ and Workers’ groups as to the intention behind the negotiated text.

**1030.** The Government member of Mexico explained that after consulting with governments and the Employers’ and Workers’ groups, he understood “preferably” to mean first giving preference to national law and then to international or bilateral agreements, where applicable. With that understanding and in the spirit of consensus, he supported the subamendment. The Government member of Australia shared that interpretation.

**1031.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, asked the Secretariat to explain what the original intention of the draft text was, to indicate how the subamended text differed from it, and to provide an interpretation of how Article 18 as subamended should be read in conjunction with Article 23(2), namely if it limited in any way a Member State to regulate platform workers present and working in its territory and operating under the terms of conditions of its jurisdiction.

**1032.** A representative of the Secretariat stated that Article 18, as drafted by the Office based on the responses from Member States, laid out the principle that the terms and conditions of employment or engagement of digital platform workers should be governed by the country in which the work was performed, unless otherwise provided for international laws and regulations, international instruments, or multilateral or bilateral agreements, and therefore reflected the interpretation shared by the Government members of Mexico and Australia. The first part of the Article expressed the default position of the territoriality principle in international law, under which States possessed sovereignty over their territory and their jurisdiction and over events and persons within that territory. The second part enabled Member States to take other measures, where national laws and regulations, international instruments or multilateral or bilateral agreements provided otherwise. The Office could not assess the difference between proposed Article 18 and the subamended text, as it could not speak to the intentions of the proponents of the subamended text. Finally, while both Articles 18 and 23(2) made use of the territoriality principle, Article 18 as subamended concerned the determination of the law applicable to the terms and conditions of employment or engagement, whereas Article 23(2) concerned more broadly the implementation of the Convention.

**1033.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment but did not object to the consensus being reached. He affirmed their understanding that Article 18, as amended by the social partners, did not limit the sovereign competence of Member States recognized in Article 23(2) to regulate platform workers who were present and working within their territory and to require that the terms and conditions under which they operated be governed by their own jurisdiction.

**1034.** The amendment was adopted as subamended and, as a result, two other amendments (A.169 and A.165) fell.

**1035.** Article 18 was adopted as amended and Part XIII was adopted as amended.

## Title of Part XIV

**1036.** As a result of the adoption of Article 19 without amendment, an amendment (A.200) fell and the title – Protection of migrants and refugees – was adopted.

### Article 19

**1037.** The Government member of the United States proposed an amendment (A.196) to delete the Article to avoid the draft Convention singling out particular groups of digital platform workers for special protections. The draft Article risked duplicating existing migration-related frameworks and extended the scope of the draft Convention. Proposed Articles 2 and 3 already included the general provisions for non-discrimination and equal treatment and provided a sufficient basis for protecting digital platform workers during recruitment and engagement processes. The amendment was not seconded and therefore not discussed.

A.201

**1038.** The Government member of the United States, seconded by the Government member of Argentina, proposed an amendment to replace the term “migrants and refugees” with “digital platform workers” and delete the phrase “digital platform workers” at the end of the text. This would ensure consistency to the purpose of the draft Convention and its aim to extend recruitment-related protections to all digital platform workers, regardless of employment status or nationality. The amendment would avoid conflating the distinct legal categories of migrants and refugees, keeping the focus on digital platform work and leaving migration and asylum issues to the international and national frameworks specifically designed to address them.

**1039.** The Employer Vice-Chairperson expressed flexibility on the amendment.

**1040.** The Worker Vice-Chairperson did not support the amendment. Migrants and refugees merited explicit reference in the draft Convention given their disproportionate levels of vulnerability in the platform economy.

**1041.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Chile, Mexico, Indonesia and Uruguay did not support the amendment.

**1042.** The amendment was withdrawn.

A.158

**1043.** The Government member of India, speaking also on behalf of the Government member of Türkiye, proposed an amendment to insert “in accordance with national laws and practice” after “shall” since matters relating to migration and refugee status and their residence and access to employment fell within the sovereign authority of Member States and were governed by national legal and policy frameworks. The amendment would not alter the objective of extending protections to migrant and refugee platform workers but would ensure that such protections were implemented through mechanisms consistent with national legal and administrative frameworks.

**1044.** The Worker Vice-Chairperson did not support the amendment, which would weaken the international standard set in draft Article 19. Migrant workers and refugees faced heightened risks of exploitation in the digital platform economy due to their precarious legal status, as well as linguistic and cultural barriers. Article 19 would assert their protection as a vulnerable group.

**1045.** The Employer Vice-Chairperson expressed flexibility on the amendment.

**1046.** The Government members of Singapore and Israel supported the amendment for the flexibility it allotted to the diverse circumstances of Member States with respect to migrants and refugees while preserving the core obligation to take measures to ensure their adequate protection as digital platform workers.

**1047.** The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to remove “in accordance with national law and practice” and add instead: ”in line with relevant and applicable international obligations and in accordance with national law and practice,” after “migrants and refugees”.

**1048.** The Government member of Egypt shared the purpose for the subamendment to recognize and adhere to the distinct legal status, rights, and protections of migrants and refugees that were embedded in international law, including with respect to access to work. Refugee rights were governed by the Convention relating to the Status of Refugees, 1951, and the rights of migrant workers were addressed through other international instruments and bilateral labour agreements. The reference to “relevant applicable international obligations” would better capture the distinctions between the migrants and refugees while accounting for the adherence of Member States to the relevant instruments as well as to their own national legal frameworks.

**1049.** The Government members of Oman, speaking on behalf of the GCC countries; Malaysia and Chile supported the amendment and not the subamendment.

**1050.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Mexico, and Uruguay did not support the amendment or subamendment.

**1051.** The Worker Vice-Chairperson and the Government members of Türkiye, India, Indonesia and Zimbabwe supported the subamendment.

**1052.** The Government members of Australia, Brazil and Canada expressed a preference for the Office text for its clarity but were willing to support the subamendment.

**1053.** As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account the discussions with government members, agreed to keep the Office text.

**1054.** The Government member of the United States objected to the content of the Article, but would not block consensus.

**1055.** The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to insert, after “refugees”, the phrase “, in line with relevant and applicable international obligations and in accordance with national law and practice”. The Government member of Malawi explained that most refugees did not have the direct right to work in Africa because reservations had been made in the ratification of the 1951 Geneva Convention relating to the Status of Refugees. The reference was therefore intended to provide flexibility both for those who had a direct right for refugees to work and for those who did not.

**1056.** The Government member of Mexico supported the subamendment recognizing the different situations of each region. However, he expressed preference for the Office text.

**1057.** The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Colombia did not support the subamendment. The Government member of Colombia acknowledged the concerns expressed by the Africa group, but urged, nevertheless the governments to support the consensus.

**1058.** The subamendment was withdrawn, the amendment was not adopted and Article 19 was adopted without amendment.

**1059.** Part XIV was adopted.

## Title of Part XV

**1060.** The title – Dispute resolution and remedies – was adopted.

### Article 20

A.170

**1061.** The Worker Vice-Chairperson introduced an amendment to delete “and digital labour platforms” after “workers” to assure the focus of the draft Article on protecting the access of digital platform workers to safe, fair and effective dispute resolution mechanisms. Workers, and not digital labour platforms, were the ones facing barriers and it was the responsibility of Member States to ensure such access. A dispute resolution guarantee which was framed around both workers and platforms implied a false symmetry that obscured the power imbalance the draft Convention was meant to correct and could be invoked by digital platforms to claim equivalent procedural entitlements, or to resist worker protective mechanisms on the grounds of fairness to both parties.

**1062.** The Employer Vice-Chairperson did not support the amendment because employers too should have access to dispute resolution mechanisms, as had been agreed during the discussion on the drafting of Convention No. 190 and the ILO Technical meeting on access to labour justice for all (February 2025).

**1063.** The Government member of Oman, speaking on behalf of the GCC countries, did not support the amendment as dispute resolution was understood in labour relations and provided by governments equally for employers and workers.

**1064.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Türkiye, Uzbekistan and Mexico did not support the amendment.

**1065.** The Worker Vice-Chairperson added that the amendment was not intended to suggest that digital labour platforms, or employers of others, should not have access to dispute resolution mechanisms, but rather to acknowledge that there was a gap in this area for workers.

**1066.** The amendment was withdrawn.

### A.190

**1067.** The Employer Vice-Chairperson introduced an amendment to delete “easy” before “access”, delete “safe, fair and” before “effective”, and delete “appropriate and effective” before remedies. While supporting the concepts in the draft Article, it contained too many subjective adjectives that would complicate implementation. The amendment would simplify the text and make it less prescriptive.

**1068.** The Worker Vice-Chairperson did not support the amendment, as the wording in the Office text was very similar to that agreed in Convention No. 190.

**1069.** The Government members of Uzbekistan and Malaysia supported the amendment.

**1070.** The Government member of the United States supported the amendment since the words proposed for deletion added a level of prescription that was at best subjective and at worst vague and could hamper implementation.

**1071.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Oman, speaking on behalf of the GCC countries; Brazil, Argentina, Chile, Uruguay, Indonesia and Canada did not support the amendment.

**1072.** The amendment was withdrawn.

### A.202

**1073.** The Government member of the United States introduced an amendment, seconded by the Employer Vice-Chairperson to delete the word “easy” before “access”. The word was unnecessary since digital platform workers either had access or not.

**1074.** The Employer Vice-Chairperson supported the amendment for the purposes of streamlining and making the text less prescriptive.

**1075.** The Worker Vice-Chairperson did not support the amendment because easy access would include allowing digital platform workers to access dispute resolution in the territory in which they lived rather than being forced through contractual provisions to use another.

**1076.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

**1077.** The Government members of Malaysia, India and Uzbekistan supported the amendment.

**1078.** The Employer Vice-Chairperson drew the room's attention to the point raised by the Workers' group, which was that their reading of the word "easy access" included extraterritorial access to justice.

**1079.** The Worker Vice-Chairperson responded that what was intended was to assert that that dispute resolution be accessible in the same territory, that is, the same place where the worker was living and working.

**1080.** The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment as it risked undermining effective access to justice for digital platform workers and might reduce the enforceability of rights even where formal mechanisms might exist.

**1081.** The Government member of the United States added for consideration that the word "easy" only blurred binding international law, which should have the utmost legal clarity for those Members looking to adopt the draft Convention.

**1082.** The amendment was not adopted.

A.171

**1083.** The Worker Vice-Chairperson introduced an amendment to insert after the word "remedies", "in the territory in which the digital platform worker resides or performs work, regardless of where the platform is established". The added text recognized that digital platform workers were often engaged across multiple territories and were left vulnerable since they did not have the knowledge on how to pursue disputes across borders. Anchoring the territory in which to effectuate dispute resolution as that where digital workers were based gave a concrete context to the provision of "easy access". She also introduced a subamendment to add the terms "digital labour" before the word "platform" at the end of the draft Article for improved clarity.

**1084.** The Employer Vice-Chairperson did not support the amendment or subamendment as it showed disregard for respecting the critical importance of contracts. Delegates were not there to rewrite well-established principles of international law including matters of jurisdiction. She urged governments to take note of the direct threat to their national sovereignty that was implied in an amendment that sought an extraterritorial application of the law.

**1085.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Japan, Uzbekistan, the United Kingdom, Israel, Argentina, Brazil, Chile and Mexico did not support the amendment.

**1086.** The Government member of Singapore did not support the amendment given its practical implications. The obligation on every Member State to ensure effective remedies regardless of where the platform was established would require Member States to compel enforcement of its judgements or orders against entities in a foreign jurisdiction. This outcome went beyond what domestic legal systems could unilaterally achieve and raised questions of sovereignty that could limit ratification of the draft Convention.

**1087.** The amendment was not adopted.

A.189

**1088.** The Employer Vice-Chairperson introduced an amendment to add at the end of the Article: “on par with those available to enterprises generally, and those available to workers with the same classification of status in employment, in the Member’s jurisdiction, according to national law and practice”. The intention was to ensure fairness and consistency across the economy, prevent preferential treatment for digital platform workers or enterprises, and leave no doubt on the jurisdiction for dispute resolution.

**1089.** The Worker Vice-Chairperson did not support the amendment as it would weaken the provision by preserving existing deficiencies in access to remedies in cases of conflicts. Linking remedies to employment status would require workers to resolve classification disputes before pursuing other claims.

**1090.** The Government members of Cyprus speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Canada, and Uruguay did not support the amendment.

**1091.** The Employer Vice-Chairperson withdrew the amendment and reiterated concerns that the draft Convention risked creating an additional layer of protection applicable only to the platform economy.

**1092.** Another amendment (A.172) was withdrawn and Article 20 was adopted without amendment.

## Proposal to insert a new Article after Article 20

A.157

**1093.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, introduced an amendment to insert a new Article that read:

> Each Member shall ensure that representative workers’ organizations and, where they exist, organizations representing digital platform workers are able to act on behalf or in support of digital platform workers, in accordance with national law and practice.

**1094.** This supported the principle that workers’ organizations should be able to act on behalf of, or in support of, digital platform workers in accessing dispute resolution mechanisms and remedies.

**1095.** The Employer Vice-Chairperson did not support the amendment and questioned its added value as it could interfere with national civil proceedings. Representation in legal proceedings should remain a matter for national law and practice and not be prescribed in an international labour standard.

**1096.** The Worker Vice-Chairperson supported the amendment and considered that collective standing was often the only realistic avenue through which digital platform workers could access justice.

**1097.** The Government members of Namibia, speaking on behalf of the Africa group; Oman speaking on behalf of the GCC countries; Australia, Brazil, Canada, Colombia, Chile and Singapore supported the amendment.

**1098.** The Government member of Israel requested clarification from the Secretariat regarding whether the proposed provision for representation within workers’ organizations under the amendment would apply to self-employed digital platform workers.

**1099.** The representative of the Secretary-General clarified that all workers, without distinction, had the right to join organizations of their own choosing.

**1100.** The Government member of South Africa offered observations of a general nature regarding the ongoing discussions. He emphasized the multinational and multi-jurisdictional character of digital labour platforms, the relevance of contractual principles including the sanctity and freedom of contract, the need for consistency with other international instruments, and the importance of clarity regarding the relationship between international standards and national law. He encouraged consideration of these issues to facilitate consensus-building.

**1101.** The Employer Vice-Chairperson raised the concern that the amendment implied that any group could act on behalf of self-employed workers which had implications for civil proceedings. A version of the sentiment existed already in paragraph 3 of the draft Recommendation.

**1102.** The Government member of Israel did not support the amendment.

**1103.** As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account the views of government members, the amendment was not adopted.

## Title of Part XVI

**1104.** The title – Compliance and enforcement – was adopted.

### Article 21

A.173

**1105.** The Worker Vice-Chairperson introduced an amendment to insert, ", including labour inspection" after the word "mechanisms". Labour inspection warranted an explicit mention in relation to digital platform work owing to its critical role in initiating inspections among workers who might not otherwise file claims due to cost or fear. The proposed wording was also in line with the Conclusions of the Technical Meeting on Access to Labour Justice for All (February 2025).

**1106.** The Employer Vice-Chairperson did not support the amendment since the Member States should determine which mechanisms were appropriate for compliance and to avoid a listing exercise.

**1107.** The Government member of Japan did not support the amendment.

**1108.** The Government member of Oman, speaking on behalf of the GCC countries, did not support the amendment due to implementation concerns.

**1109.** The Government members of Brazil, Colombia, and Uruguay supported the amendment.

**1110.** The Government member of Egypt, seconded by the Employer Vice-Chairperson, introduced a subamendment to delete "including labour inspection" and insert the terms "appropriate national" before "mechanisms".

**1111.** The Worker Vice-Chairperson did not support the subamendment because the purpose of the amendment was to mention labour inspection.

**1112.** The Government member of the United Kingdom supported the amendment but not the subamendment.

**1113.** The Government member of Canada could support the amendment but preferred the Office text.

**1114.** The Government member of Chile supported the subamendment.

**1115.** The Government member of Switzerland expressed a preference for the Office text, had flexibility on the subamendment and did not support the amendment.

**1116.** The Government members of India, Israel, Malaysia, Türkiye and Uzbekistan did not support the amendment or subamendment.

**1117.** The subamendment and the amendment were not adopted.

A.159

**1118.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to divide the existing text into an introductory sentence and subparagraph (a) and to add a subparagraph (b) to read:

> Each Member shall take measures so that mechanisms are in place for:
>
> (a) ensuring compliance with and enforcement of relevant national laws and regulations and collective agreements;
>
> (b) providing digital platform workers with the possibility to contact and communicate privately and securely with each other, and to contact or be contacted by their representatives.

**1119.** This would be a critical enabling measure for digital platform workers to promote their freedom of association.

**1120.** The Employer Vice-Chairperson did not support the amendment which was too prescriptive. As drafted, it was unclear whether the burden to guarantee communication should fall on Member States or companies. Further, that was ultimately a labour union responsibility.

**1121.** The Worker Vice-Chairperson supported the amendment as it provided access to fundamental rights for platform workers. The platform itself was the medium through which all work was mediated, which meant it also controlled the channels through which workers would otherwise communicate. A right to communicate privately and securely was therefore important to counter this.

**1122.** The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of CARICOM countries; India, Indonesia, Malaysia, New Zealand and Uzbekistan did not support the amendment.

**1123.** The Government member of Singapore did not support the amendment as it would grant digital platform workers a right that ordinary employees did not enjoy, while placing on digital labour platforms a corresponding burden not imposed on conventional employers.

**1124.** The Government member of Brazil supported the amendment.

**1125.** The Government members of Japan, Argentina, Switzerland, Chile and Türkiye did not support the amendment because it was not practicable for governments.

**1126.** The Government member of the United States did not support the amendment for the added reason of its associated privacy implications.

**1127.** The amendment was withdrawn.

A.160

**1128.** The Government member of Cyprus, speaking on behalf of the EU Member States, introduced an amendment to insert an alternative text for a possible new subparagraph (b) that would read: “ensuring that digital labour platforms provide relevant information on platform work to competent authorities and to representative workers’ organizations and, where they exist, organizations representing digital platform workers”. This could help to ensure effective implementation of the draft Convention by Member States.

**1129.** The Worker Vice-Chairperson supported the amendment. Compliance and enforcement were impossible without sufficient information, which was almost entirely in the hands of the platforms. Calling for digital labour platforms to disclose information not only to competent authorities but also to representative workers' organizations and, where they existed, organizations representing platform workers, recognized the limited resources and capacities of public enforcement authorities and the important role of workers' organizations in monitoring compliance. Disclosure would also counter information asymmetry.

**1130.** The Employer Vice-Chairperson did not support the amendment given its prescriptive language and the lack of clarity on what would be deemed "relevant information".

**1131.** The Government member of the United States did not support the amendment for its added administrative burden.

**1132.** The amendment was withdrawn and Article 21 was adopted without amendment.

**1133.** Part XVI was adopted.

## Title of Part XVII

**1134.** As a result of the decision to keep the Office text in Article 22, an amendment (A.187) fell and the title – No less favourable treatment – was adopted.

### Article 22

A.174

**1135.** The Worker Vice-Chairperson introduced an amendment to remove "with the same classification of status in employment", as the phrase risked legitimizing the protection gaps affecting platform workers based solely on employment status, which the draft Convention sought to remedy. Many of these workers were classified as self-employed despite performing work under conditions of economic dependency and control.

**1136.** The Employer Vice-Chairperson did not support the amendment. The Office text ensured fairness between platform workers and non-platforms workers within each status in employment. This principle would be blurred by the amendment.

**1137.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Switzerland, Japan, Argentina, Türkiye, Uzbekistan, New Zealand and Malaysia did not support the amendment.

**1138.** The Government member of Indonesia asked the Secretariat to define "protection".

**1139.** The representative of the Secretary-General clarified that the protection referred to in Article 22 referred to the protection of platform workers afforded under the draft Convention.

**1140.** The amendment was not adopted.

A.186

**1141.** The Employer Vice-Chairperson introduced an amendment to insert "or more" after "no less", and "and that digital labour platforms enjoy no less or more favourable treatment compared to other enterprises" at the end of the text. This would promote fairness across the economy, by ensuring that platform workers would receive, in accordance with their classification of status in employment, protection that would be no less or more favourable than the protection received by workers in that same category outside the platform economy. This would also apply to businesses to ensure fair competition and avoid creating a double layer of protection for one subset of the economy.

**1142.** The Worker Vice-Chairperson did not support the amendment since the objective of international labour standards was to establish minimum protections for workers, not to restrict Member States in implementing more stringent measures.

**1143.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Colombia, Chile, Uruguay and Mexico did not support the amendment.

**1144.** The Government member of Brazil proposed a subamendment, seconded by the Employer Vice-Chairperson to change “no less or more favourable than” with “consistent with”.

**1145.** The Government member of the United States supported the subamendment which ensured the principle of parallel treatment for digital platform workers and other workers in the same classification of status in employment.

**1146.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

**1147.** The Employer Vice-Chairperson proposed a further subamendment to change the terminology also in the latter clause of the draft Article to read “treatment consistent with that enjoyed by” before “other enterprises” for linguistic consistency.

**1148.** The Worker Vice-Chairperson did not support the subamendments.

**1149.** The Government members of Namibia, speaking on behalf of the Africa group; Chile and Mexico did not support the subamendment or the amendment.

**1150.** The Government member of Colombia asserted that the amendment could work against the intention of the Employers’ group since he could imagine situations where a Member State could insist on equal treatment of platform enterprises to other enterprises, for instance, in tax policies.

**1151.** The Employer Vice-Chairperson explained that fair treatment of workers and fair competition among all businesses were very basic principles. However, as a result of informal discussions with the Worker Vice-Chairperson, she withdrew her group’s amendment.

**1152.** The amendment was not adopted and Article 22 was adopted without amendment.

**1153.** Part XVII was adopted.

## Title of Part XVIII

**1154.** The title – Implementation – was adopted.

### Article 23(1)

A.185

**1155.** The Employer Vice-Chairperson introduced an amendment for the paragraph to read:

> Each Member shall implement the provisions of the Convention in consultation with the most representative organizations of employers and workers, through laws and regulations, collective agreements, court decisions, a combination of these means, or in any other manner consistent with national practice.

**1156.** The terminology would thus be similar to that commonly used in existing ILO standards, including in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

**1157.** The Worker Vice-Chairperson did not support the amendment as it was important to safeguard broader consultations, including with organizations and representatives of self-employed workers.

**1158.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Malaysia did not support the amendment.

**1159.** The Government members of Grenada, speaking on behalf of the CARICOM countries; Australia and Canada preferred the Office text and did not support any amendments on Article 23.

**1160.** The Employer Vice-Chairperson stated that the international system of social partners was built on the most representative organizations of employers and workers in every country and social dialogue was built around that structure. Reference to other organizations that were not the most representative was not acceptable to the Employers' group.

**1161.** The Government member of Israel supported the amendment.

**1162.** The Government member of Mexico stated that he preferred the Office text and therefore did not support the amendment. However, in a spirit of compromise, he proposed a subamendment, seconded by Brazil, to reintroduce "and, where they exist, organizations representing digital labour platforms and digital platform workers," instead of deleting.

**1163.** The Government members of Chile and Colombia supported the subamendment, the latter noting that the expression "the most representative organizations of employers and workers" was commonly used in ILO instruments.

**1164.** The Government member of Australia requested clarification from the Secretariat as to whether there was any practical difference between the amendment proposed by the Employers' group and the Office text.

**1165.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. Governments consulted not only the most representative organizations of employers and workers when implementing or ratifying Conventions, but also other representative organizations of employers and workers necessary to ensure inclusive social dialogue in line with ILO principles, which would be particularly important for the platform economy given it was not a sector but an area of the economy.

**1166.** The representative of the Secretary-General indicated that the list contained in the Office text was similar to language already approved by the Committee in Article 2 concerning scope. Several international labour standards extended consultation requirements to organizations representing categories of workers specifically concerned by an instrument, such as Article 2(2) of Convention No. 189, and Article 1(c) of the Work in Fishing Convention, 2007 (No. 188). Some international labour standards referred to "the most representative organizations" of employers and workers, while others referred simply to representative organizations. According to the *Manual for Drafting ILO Instruments*, the expression "the most representative organizations" had generally been used where it was intended to restrict consultation to national inter-occupational organizations.

**1167.** The Employer Vice-Chairperson questioned the Secretariat's interpretation concerning representative organizations, arguing that it contradicted Convention No. 144, and that the examples cited were largely sectoral labour standards. She sought clarification regarding the frequency in international labour standards of references to "the most representative organizations" versus references to other types of representative organizations.

**1168.** The representative of the Secretary-General confirmed that most international labour standards referred to the consultation of the most representative organizations; however, some recent instruments referred to consultation with certain additional representative organizations of employers and workers. She recalled that the responses received from constituents during the preparation of the reports for the standard-setting process had overwhelmingly argued that it was important to ensure that those covered by the instrument should have a voice in the decisions that might affect them, and that was why the formulation had been included in the draft Convention.

**1169.** As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to adopt the amendment as proposed by the Employers' group and the subamendments were not adopted.

A.203

**1170.** The Government member of the United States, seconded by the Employers' group, introduced an amendment to delete "collective agreements, court decisions, or a combination of these means,". The Office text could be interpreted as requiring representative organizations to be consulted through, or in relation to, court decisions, which was not appropriate.

**1171.** The Employer Vice-Chairperson added that the confusion was likely the result of the language combining two distinct, though standard, implementation provisions.

**1172.** The Worker Vice-Chairperson did not support the amendment based on earlier explanations provided by the Secretariat concerning implementation provisions. The provision was a standard implementation paragraph, which, to her understanding, did not require social partners to be consulted on court decisions.

**1173.** The Government member of Malawi asked the Secretariat whether existing international labour standards contained implementation provisions referring to collective agreements, court decisions or a combination of such means.

**1174.** The Government members of Switzerland and Colombia did not support the amendment, noting the particular importance of collective agreements.

**1175.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, and Uruguay did not support the amendment.

**1176.** The Government member of the United States stated that, while the wording concerning consultation and court decisions was confusing, he accepted the explanation provided by the Secretariat that the provision was workable and coherent.

**1177.** The amendment was withdrawn.

A.184

**1178.** The Employer Vice-Chairperson introduced an amendment to delete the terms "court decisions", as those should not be subject to social dialogue.

**1179.** The Worker Vice-Chairperson did not share the Employers' group understanding of the proposed Article and did not support the amendment.

**1180.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

**1181.** The Government member of South Africa did not support the amendment, as the proposed Article was not subjecting court decisions to social dialogue. To his understanding, the proposed Article established that Member States could implement the provisions of the Convention through a range of means, first and foremost through laws and regulations, or collective bargaining. The use of court decisions arose in the absence of collective bargaining agreements and when laws were being challenged, in which case courts made law through judicial pronouncements. The provision allowed Member States the flexibility to choose their means of implementation. Consultation could take place on collective agreements and on legislation to accommodate the Convention, but court decisions were stand-alone, even if they appeared in the list. Keeping "court decisions" was therefore important, to open the possibility that a court decision alone would mean that the Convention had been implemented.

**1182.** The Government members of Grenada, speaking on behalf of CARICOM countries; Switzerland, Mexico, Brazil, the United Kingdom, Colombia, and Indonesia did not support the amendment, in line with the arguments put forward by the Government member of South Africa. The Article contained two parts, the first on consultation, the second on means of implementation of the Convention.

**1183.** The Employer Vice-Chairperson asked the Secretariat to confirm if court decisions normally appeared in the latter half of the sentence and without a reference to consultations; and if, when consultations were mentioned in the context of implementation, court decisions normally did not appear.

**1184.** The Government member of the United Kingdom asked that the text be referred to the Drafting Committee to resolve the misunderstanding that the Article would require court decisions to be submitted to consultation.

**1185.** The representative of the Secretary-General confirmed that the proposed wording of the Article was common in international labour standards, and that its purpose was to establish that the Convention should be implemented generally through consultation, not to subject court decisions to consultation.

**1186.** The amendment was withdrawn and paragraph 1 of Article 23 was adopted as amended.

### Proposal to insert new paragraphs after Article 23(1)

A.161

**1187.** The Government member of Cyprus, speaking on behalf the EU Member States, introduced an amendment to insert a new paragraph in the Article, which would make the Convention more widely ratifiable and implementable by more clearly limiting its scope of application to those platforms that organized work. It read:

> For the purpose of implementing this Convention, each Member may, taking into account national law and practice, exclude services that do not, as a necessary and essential component, organize work.

**1188.** The intention was to exclude from the definition of digital labour platform, for example, websites that served only as a platform to book medical appointments, even if they used algorithms to enable matching the request with a selected number of available and suitable doctors. If the website also managed payments, the decisive factor should be the organization of work as a necessary and essential component of the service offered. The aim of setting an international standard was to address the conditions of work of persons operating via digital labour platforms. A digital labour platform should go beyond providing space for interaction. The decisive factor for a platform to be deemed a digital labour platform should clearly be the organization of work as a necessary and essential component of the service offered. Therefore, the amendment was proposed to give Member States the necessary flexibility in the implementation to establish legal clarity in their jurisdictions when implementing the Convention.

**1189.** The Employer Vice-Chairperson did not support the amendment. The Blue report had been very clear that general websites were not in the scope of the instrument. She also expressed disappointment that the amendment proposed by the EU Member States would, in effect, reopen the Convention's definitions and scope sections, which were agreed the previous year. The Committee had committed not to reopen agreed text and it was concerning that the proposal would contradict that agreement.

**1190.** The Government members of Canada and Colombia supported the amendment as it reaffirmed the intended scope of the Convention. The Committee's intention was to cover digital labour platforms that organized work, notably through algorithmic management that determined the working conditions of platform workers. The aim was to address regulatory gaps and provide better protection for digital labour platform workers. The intention was not to cover platforms that merely offered intermediation space to facilitate the connection between clients and workers, for example social networks, online advertising, search engines or job boards. As such, the amendment provided needed clarity and appropriate scope for Member States' implementation of the Convention.

**1191.** The Government members of Namibia, speaking on behalf of the Africa group; Argentina, the United States, Brazil, Mexico, and Chile did not support the amendment as the Committee had already agreed on the definitions and scope of the Convention.

**1192.** The Government member of Cyprus, speaking on behalf of the 34 countries proposing the amendment, clarified that the amendment was not reopening the definition of digital labour platforms, and that Articles 1 and 2 remained untouched. If the amendment were adopted, all Members that ratified and implemented the Convention without making use of the flexibility clause could do so. The inclusion of the new paragraph focusing on the organization of work as a necessary and essential component was a welcome clarification that Members should be able to make in the implementation of the Convention to serve legal certainty and clarity. These are important for the EU and its Member States to ensure ratification and sound implementation.

**1193.** The Worker Vice-Chairperson did not support the amendment. The Employer Vice-Chairperson recalled that the draft Convention already provided scope to make the desired exclusions.

**1194.** The amendment was not adopted.

**1195.** The Government member of Cyprus, speaking on behalf of the EU Member States, recognizing that the Committee had agreed in its discussions that services that merely facilitated spaces where clients and services were matched by an algorithmic system and which did not fulfil a minimum requirement with regard to the organization of work were not considered in the scope of the draft Convention. In the light of that common understanding, the proposed amendments (A.161 and A.162) would no longer be necessary. He announced that A.162 would be withdrawn.

## Article 23(2)

### A.204

**1196.** The Government member of the United States, seconded by the Employers' group and by the Government member of Argentina, introduced an amendment for the text after "platforms" to read "intermediaries and platform workers that fall within its jurisdiction in accordance with national laws". Platform work often spanned multiple jurisdictions, and disputes could involve conduct occurring outside a Member's territory. Article 23(2), as drafted, could be interpreted as requiring Members to regulate platforms, intermediaries and workers based solely on territorial presence, even where the relevant conduct fell outside their legal jurisdiction. He maintained that international labour standards should not impose obligations beyond a State's recognized regulatory authority. Linking the provision to each Member's jurisdiction under national law would ensure that obligations remain enforceable and ratifiable across different legal systems.

**1197.** The Worker Vice-Chairperson did not support the amendment, as the Office version had used the correct formulation.

**1198.** The Government member of Israel supported the amendment as it afforded flexibility in implementation according to each national context.

**1199.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Uruguay, Brazil, Colombia and Mexico did not support the amendment.

**1200.** The amendment was withdrawn.

A.183

**1201.** The Employer Vice-Chairperson introduced an amendment to replace the word "territory" at the end of the paragraph with "jurisdiction, in accordance with national law and practice.", to address concerns relating to jurisdictional limitations under national legal systems and to ensure that the provision did not impose obligations beyond what a Member could lawfully exercise

**1202.** The Worker Vice-Chairperson did not support the amendment.

**1203.** The Government member of Israel supported the amendment.

**1204.** The Employer Vice-Chairperson proposed a subamendment for the phrase to read "territory, unless under national law the Member lacks jurisdiction to do so". Online-based platform workers could be based anywhere, but that did not mean that the Member State jurisdiction changed.

**1205.** The Worker Vice-Chairperson did not support the subamendment.

**1206.** The Government members of the Niger, speaking on behalf of the Africa group; and Indonesia did not support the amendment or subamendment.

**1207.** The Government member of the United States was concerned that the Office text could be interpreted as obliging Member States to exercise jurisdiction over digital labour platforms even where alleged violations occurred abroad. Such an interpretation could lead to unintended extraterritorial obligations, which would raise significant legal and practical concerns.

**1208.** The Government member of Chile supported the subamendment and the concerns raised by the United States.

**1209.** The Employer Vice-Chairperson withdrew the subamendment and the amendment and reiterated her group's concerns regarding jurisdiction.

A.199

**1210.** The Government member of Switzerland, speaking also on behalf of the Government members of Japan, the United Kingdom, Uzbekistan, Türkiye and the GCC countries, introduced an amendment, to add ", unless otherwise provided in national laws and regulations, applicable international instruments or bilateral or multilateral agreements.", after "in its territory". The amendment aimed to address legal concerns relating to territoriality and private international law, without which the provision could lead to uncertainty regarding the extraterritorial application of obligations, potentially rendering the Convention difficult to implement. The proposed wording would ensure coherence with existing legal frameworks and provide the legal certainty necessary for ratification.

**1211.** The Employer Vice-Chairperson and the Government members of Israel, Argentina and Chile supported the amendment.

**1212.** The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Mexico, Brazil Colombia, and Uruguay, opposed the amendment.

**1213.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and considered the Office text to be consistent with general principles of international law.

**1214.** The amendment was not adopted.

A.205

**1215.** The Government member of the United States, seconded by the Employers' group, introduced an amendment to insert ", unless under national law the Member lacks jurisdiction to do so," after "in its territory". The amendment aimed at providing legal clarity and ensuring that obligations under the Convention would not be interpreted as imposing extraterritorial jurisdiction. He urged Members to consider the risk of overlapping or conflicting legal regimes.

**1216.** The Worker Vice-Chairperson did not support the amendment.

**1217.** The Government member of the United Kingdom supported the amendment, since the provision raised questions of concurrent jurisdiction in cases where platform work crossed borders. The absence of clarification could result in overlapping obligations and legal uncertainty for both workers and platforms. She emphasized that the amendment did not seek to reduce protections, but rather to clarify which legal framework would apply.

**1218.** The Government member of Singapore noted that the phrase "in its territory" already limited the provision to territorial jurisdiction. The terms "operating" and "working" allowed sufficient flexibility for Member States to determine the scope of jurisdiction under their national law. She asked the Secretariat to confirm whether the Office text implied extraterritorial obligations.

**1219.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment since the Office text sufficiently reflected the general principle that States exercised jurisdiction over persons and activities within their territory.

**1220.** The Government member of the Niger, speaking on behalf of the Africa group, did not support the amendment. Existing frameworks of public and private international law already addressed such jurisdictional issues.

**1221.** A representative of the Secretariat clarified that the intention of paragraph 2 was to preserve the sovereignty of Member States for events occurring in their own territory. Paragraph 2 did not specifically define the term "operating" and it was up to Member States to determine it. The Office's drafting intention was that "operating" in a Member State's territory would at least include the presence of digital platform workers in its territory.

**1222.** The Government members of Brazil, Mexico, Colombia, Indonesia, Canada, Singapore and the Government member of Grenada, speaking on behalf of the CARICOM countries, supported the Office text.

**1223.** The Government member of the United States reiterated his concern that the provision could be interpreted as allowing extraterritorial application.

**1224.** The amendment was withdrawn and paragraph 2 of Article 23 was adopted without amendment.

### Article 23(3)

A.182

**1225.** The Employer Vice-Chairperson introduced an amendment proposing to delete "the use of" and replace "is permitted" with "are involved". The amendment sought to better reflect the reality that intermediaries might be legally permitted in many jurisdictions but not necessarily involved in platform work in all cases. The proposed wording aimed to capture the distinction more accurately.

**1226.** The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Mexico, and Australia did not support the amendment.

**1227.** The amendment was withdrawn.

A.163

**1228.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to replace "determine and allocate the respective responsibilities of" with "require" and insert after "intermediaries to" the phrase "cooperate and clarify respective responsibilities to". The intention was to establish a framework enabling cooperation between digital labour platforms and intermediaries while allowing sufficient flexibility to accommodate different national practices.

**1229.** The Worker Vice-Chairperson did not support the amendment. The determination and allocation of responsibilities of digital labour platforms and intermediaries should rest with Member States.

**1230.** The Employer Vice-Chairperson did not support the amendment. It was not for Member States to impose cooperation between parties.

**1231.** The Government members of Australia, Brazil, and Colombia did not support the amendment.

**1232.** The amendment was withdrawn.

A.181

**1233.** The Employer Vice-Chairperson introduced an amendment to insert "in accordance with national law and practice" after "intermediaries". Member States already had well-established legal frameworks governing the operation of intermediaries both within and beyond the platform economy.

**1234.** The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Mexico, Brazil, Uruguay, and Colombia did not support the amendment, which they considered redundant as Member States already acted in accordance with national law and practice.

**1235.** The amendment was withdrawn.

A.175

**1236.** The Worker Vice-Chairperson introduced an amendment to add at the end of the paragraph:

> , including, where appropriate, through joint and several liability, and ensure that digital platform workers performing work via intermediaries enjoy protection no less favourable than that enjoyed by digital platform workers employed by or engaged to work by digital labour platforms.

**1237.** Adopting joint and several liability would enable workers to secure their rights without bearing the burden of navigating complex litigation involving multiple companies. It would also ensure that workers performing the same work enjoyed the same conditions and rights whether employed, self-employed or engaged through an intermediary, thereby discouraging the use of intermediaries to circumvent labour protections.

**1238.** The Employer Vice-Chairperson did not support the amendment. It was too prescriptive and no existing international labour standard had ever addressed the issue of joint liability.

**1239.** The Government members of Chile, Colombia and Argentina did not support the amendment.

**1240.** The Worker Vice-Chairperson introduced a subamendment to remove "including, where appropriate, through joint and several liability".

**1241.** The Government member of the Niger, speaking on behalf of the Africa group, did not support the subamendment.

**1242.** The subamendment and the amendment were not adopted.

A.164

**1243.** The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to add at the end of the paragraph:

> Members shall take appropriate measures to ensure that digital platform workers who have a contractual relationship with an intermediary enjoy the same level of protection, pursuant to this Convention, as digital platform workers who have a direct contractual relationship with a digital labour platform.

**1244.** The intention was to ensure that workers enjoyed the same level of protection, irrespective of whether they had a contractual relationship with an intermediary or directly with the digital labour platform.

**1245.** The Employer Vice-Chairperson did not support the amendment because it was redundant.

**1246.** The Worker Vice-Chairperson supported the amendment.

**1247.** The Government members of Namibia, speaking on behalf of the Africa group; Argentina, Indonesia, Malaysia, Brazil and Honduras did not support the amendment.

**1248.** The amendment was withdrawn and paragraph 3 of Article 23 was adopted without amendment.

### New paragraphs after 23(3)

A.176

**1249.** The Worker Vice-Chairperson introduced an amendment to insert in Article 23 a new paragraph reading:

> Each Member shall develop and implement measures for labour inspection and enforcement with due regard for the special characteristics of the platform economy, in accordance with national laws and regulations.

**1250.** The proposed paragraph reflected the need for Member States to develop and implement labour inspection and enforcement measures adapted to the specificities of the platform economy.

**1251.** The Employer Vice-Chairperson and the Government members of Chile and Japan did not support the amendment. There was no need to address labour inspection specifically, as it was already covered by implementation measures adopted elsewhere in the instrument.

**1252.** The Government member of Mexico did not support the amendment. While recognizing the importance of labour inspection, the amendment was unnecessary. The adoption of the Convention would automatically bring platform work within the scope of labour inspection.

**1253.** The Worker Vice-Chairperson emphasized the need for technical assistance on labour inspection and implementation measures to facilitate ratification and implementation of the Convention.

**1254.** The amendment was withdrawn.

A.177

**1255.** The Worker Vice-Chairperson introduced an amendment to insert a new paragraph in Article 23 reading:

> This Convention does not affect more favourable provisions applicable to digital platform workers under other international labour Conventions.

**1256.** The proposed paragraph would reinforce legal certainty by clarifying that the Convention should be interpreted harmoniously with the broader corpus of international labour law and would not reduce protections established under other international labour standards. A similar provision appeared in Convention No. 189.

**1257.** The Employer Vice-Chairperson did not support the amendment as she considered that more favourable provisions applicable under other international labour standards would remain unaffected by the Convention.

**1258.** The Government member of Australia supported the amendment. The proposed paragraph addressed disparities between the protections available to digital platform workers engaged as employees under existing international labour standards and those provided under the Convention. It recognized that the Convention sought to establish standards applicable to digital platform workers engaged as both employees and independent contractors, and that the protections afforded under the Convention might be less than comparable protections already available to employees under other international labour instruments. Where a digital platform worker engaged as an employee was covered by two ratified Conventions, the more favourable provision would prevail.

**1259.** The Government member of Brazil supported the amendment noting the frequent references throughout the instrument to “national law and practice”.

**1260.** The Government members of the Niger, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; and Mexico did not support the amendment.

**1261.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, asked the Secretariat whether the new paragraph was necessary, to which a representative of the Secretariat responded that it was up to the Committee to decide. Similar provisions appeared, for instance, in the Labour Inspection Convention, 1947 (No. 81), the Domestic Workers Convention, 2011 (No. 189), the Home Work Convention, 1996 (No. 177), and the Part-Time Work Convention, 1994 (No. 175).

**1262.** The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Brazil supported the amendment.

**1263.** A representative of the Secretariat, quoting article 19(8) of the ILO Constitution, stated that “in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom, or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation”.

**1264.** The Government members of Argentina and Chile did not support the amendment.

**1265.** The Worker Vice-Chairperson asked the Secretariat to confirm that article 19(8) of the ILO Constitution concerned more favourable conditions under national law rather than under other labour Conventions, which a representative of the Secretariat confirmed.

**1266.** The Worker Vice-Chairperson noted that the purpose of including such provisions in other Conventions was to ensure alignment across international labour standards. As the proposed paragraph concerned the relationship with other international labour Conventions, article 19(8) of the Constitution, which addressed more favourable provisions in national law, did not render it redundant.

**1267.** The Government members of Canada, Uruguay, Indonesia, and Colombia supported the amendment.

**1268.** The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the amendment as it clarified that the Convention functioned as a floor rather than a ceiling and reinforced coherence across international labour standards.

**1269.** The Employer Vice-Chairperson noted that the amendment did not specify that it referred to ratified international labour Conventions and could be interpreted as requiring Member States to consider provisions contained in Conventions that they had not ratified. Conversely, where Conventions had been ratified, the amendment was redundant, as those provisions would already form part of national law.

**1270.** The Worker Vice-Chairperson indicated that "does not affect more favourable provisions applicable to platform workers under other international labour Conventions" referred to the body of international labour standards.

**1271.** When resuming the discussion at a later sitting, as a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to replace the text of the new proposed paragraph with the amended version of a text that had been proposed in amendment A.52 for insertion as a new Article after draft Article 7 (see paragraph 486 above), which read:

> In implementing this Convention, each Member shall take appropriate measures to protect commercially sensitive information of digital labour platforms.

**1272.** The Government member of Mexico did not object to the consensus but indicated that under no circumstances the new paragraph could result in Article 23 being interpreted to restrict the work of labour inspectors to conduct their supervisory duties.

**1273.** The Government members of Namibia speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Australia, Brazil, Colombia, Norway, and Uruguay, did not support the subamendment but refrained from blocking consensus.

**1274.** The amendment was adopted as subamended and the new paragraph in Article 23 was adopted.

A.180

**1275.** The Employer Vice-Chairperson introduced an amendment to insert a new paragraph in Article 23 reading:

> Measures taken by a Member to implement this instrument should not be used as a criterion, basis or evidence for reclassification or to establish a presumption of employment.

**1276.** The Committee had recognized that platform workers could be employees, self-employed workers or fall within a third category in certain national systems. As Article 8 already clarified that workers should be correctly classified, the amendment ensured that implementation of the instrument would not conflict with national classification frameworks or labour relations systems, and that measures taken to implement the Convention would not in themselves be used as a basis for reclassification or to establish a presumption of employment.

**1277.** The Worker Vice-Chairperson did not support the amendment as it interfered with the ability of Member States to introduce measures to combat misclassification. As stated in article 19(8) of the ILO Constitution, Member States could adopt provisions considered as more favourable than those in the Convention, such as those establishing a presumption of employment contained in many laws at the national and regional levels.

**1278.** The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Uruguay did not support the amendment, considering it overly prescriptive.

**1279.** The Government member of Argentina supported the amendment.

**1280.** The Government member of the United States supported the amendment. Courts sometimes considered actions taken by companies as relevant to worker classification, but they generally disfavoured relying on actions undertaken solely to comply with national or state law. The paragraph would provide legal clarity by ensuring that compliance with national legislation was not used as a basis for reclassification or to establish a presumption of employment.

**1281.** The Government member of Colombia did not support the amendment. It was based on an unwarranted assumption that the Convention would create a presumption of employment.

**1282.** The Government member of Brazil did not support the amendment and questioned the rationale as reclassification could be necessary to correct misclassification.

**1283.** The Government member of the United Kingdom asked the Employers’ group whether the proposed amendment would prevent a Member State from reclassifying a group of platform workers when implementing the Convention.

**1284.** The Employer Vice-Chairperson stated that the instrument did not create new classification tests, which remained governed by national law, including under Article 8. Several provisions of the draft instrument, such as the one on minimum wages, were blurring the distinction between self-employed workers and employees, which could be used as a basis for reclassification, which would not be acceptable.

**1285.** The Government members of the Niger, speaking on behalf of the Africa group, and Canada did not support the amendment. It was prescriptive and inconsistent with Article 8.

**1286.** The Government member of Australia did not support the amendment. The Committee had agreed that platform workers could have different employment statuses while experiencing similar decent work deficits. The draft instruments already provided sufficient flexibility for implementation within national frameworks.

**1287.** The Government member of the United Kingdom, seconded by the Employers’ group, introduced a subamendment to delete “as a criterion, basis or evidence for reclassification or”.

**1288.** The Government members of Oman, speaking on behalf of the GCC countries; Türkiye, India, and Argentina supported the subamendment.

**1289.** The Government member of the United States supported the subamendment as a reasonable compromise. Compliance with national law should not establish a presumption of employment, and the subamendment provided legal clarity.

**1290.** The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; and Brazil did not support the subamendment.

**1291.** The Government member of Singapore did not support the amendment or the subamendment, as they prescribed how Member States should implement the Convention.

**1292.** The Government members of Namibia, speaking on behalf of the Africa group; Uruguay, Switzerland, and Mexico did not support the amendment or the subamendment.

**1293.** The Government member of the United States, seconded by the Employers' group, introduced a further subamendment to insert "in itself" after "should not be used". This clarified that compliance with the Convention alone would not change a worker's classification.

**1294.** The Government members of Grenada, speaking on behalf of the CARICOM countries; and Norway did not support the subamendments or the amendment.

**1295.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Government member of the United States, which was not adopted. The subamendment proposed by the Government member of the United Kingdom was withdrawn.

**1296.** Following an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson having taken into account the views of government members, the amendment was not adopted.

**1297.** Article 23 was adopted as amended and Part XVIII was adopted as amended.

**1298.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, acknowledged the Chairperson's good intentions in facilitating direct consultations between the social partners. However, he expressed regret that governments, which would ultimately be called upon to ratify and implement this Convention, had been substantially left out of the process. He noted that governments should not be presented with a fait accompli and should be actively engaged throughout the drafting process at all stages, in line with the tripartite spirit of the ILO.

### Title of Part XIX

**1299.** The title of Part XIX – Normative language – was adopted.

### Article 24

**1300.** Article 24 and Part XIX were adopted.

### Title of the Convention

**1301.** The title – Convention concerning decent work in the platform economy – was adopted.

## Adoption of the Convention

**1302.** The Reporter of the Committee presented the work of the Drafting Committee, which in accordance with the Stading Orders of the Conference, had been mandated to ensure consistency between the English, French and Spanish versions of the Convention. She confirmed the agreed wording of the draft Convention, having ensured alignment across the three official languages and clarified the use of the expression "classification of status in employment". [11]

**1303.** Following the preparation of the final texts by the Drafting Committee, [12] the Committee adopted the Convention part by part and as a whole.

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[11] See the Note for the Drafting Committee of the Conference (ILC.114/CNP/D.3).

[12] ILC.114/CNP/D.4.

## Closing remarks and consideration of the draft resolution

**1304.** The Government member of Singapore, speaking also on behalf of the Government member of Switzerland, applauded the efforts made by the Committee to put forth a Convention, built together through social dialogue, that would help to ensure that economic growth in the digital economy came with dignity and security for workers. It was a landmark instrument to uphold the promotion of decent work for digital platform workers while providing Member States sufficient flexibility for its implementation. Nonetheless, she expressed disappointment that the Committee had not had sufficient time to discuss the Recommendation, and governments had had limited time to review the texts that had been agreed upon by the social partners through informal discussions. That approach was not consistent with the tripartite principles that underpinned the ILO.

**1305.** She proposed that the Committee adopt a draft resolution [13] to acknowledge the fact that it had not considered the draft Recommendation, in the spirit that the path forward required adequate time and genuine tripartite engagement, and that follow-up actions should be carefully considered by the Governing Body.

**1306.** The Employer Vice-Chairperson expressed appreciation for the work of the Committee and gratitude for the consensus reached. While the Convention might not be optimal, it reflected the consensus and compromises reached in the Committee. The resolution should reflect the success of the Committee to come to an agreement without resorting to voting. She therefore proposed two amendments to the draft resolution:

- In the third preambular paragraph, replace the phrase "did not have the time to examine and adopt the text of the Recommendation, supplementing" with "succeeded in adopting".
- In paragraph 2, delete "to take" after "International Labour Office" and replace "all necessary decisions, making full use of ILO means of action, including convening a meeting of experts, development cooperation and research," with "to provide support to the tripartite constituents".

**1307.** The Convention gave a solid framework that addressed the key issues, while remaining principle-based and allowing the flexibility that Member States needed to implement it in diverse national and regional contexts. Considering the financial constraints faced by the ILO, the resolution should showcase the strength of social dialogue, as well as the value and importance of the ILO as an institution.

**1308.** The Worker Vice-Chairperson noted that, despite differences, by engaging, listening and negotiating in good faith, the Committee had fulfilled its mandate to develop a Convention although it had not managed to develop a Recommendation. She did not support the amendments since the Governing Body needed sufficient flexibility to decide the appropriate means of action for follow-up, including further action such as standard setting.

**1309.** The Government member of Cyprus, speaking on behalf of the EU Member States, did not support the amendments. He proposed another amendment for the text in paragraph 2 after "platform economy," to read "all necessary decisions, making full use of ILO means of action, and to". The intention was to reaffirm the Governing Body's role in taking all necessary decisions to follow-up the work of the Committee.

**1310.** The Government member of Chile supported the amendments proposed by the Employer's group. While substantial differences had prevented the consideration of the draft Recommendation, the Committee's mandate had been successfully fulfilled and future

[13] ILC.114/CNP/D.5.

efforts should focus on promoting the ratification, implementation and effective implementation of the Convention, while respecting national circumstances and legislation.

**1311.** The Government members of Mexico and Colombia supported the amendment by the EU Member States. The complex discussions of the Committee had highlighted different positions and challenges, which strengthened the need for a Recommendation to detail the principles in the Convention and allow national implementation. In light of the financial crisis, it was important to protect, and not limit, the ILO's mandate to carry out standard-setting work, as given by the Governing Body. The fact that the Committee had not resorted to voting had proved that social dialogue was important despite its challenges.

**1312.** The Government member of Argentina supported the Employers' group's amendments as they reflected the achievements of tripartism and consensus-building. The mandate of the Committee had been fulfilled in a satisfactory way after more than two years of work. In light of the budgetary constraints, the Committee should aim to demonstrate certainty on the value of action but also a commitment to austerity to help the Organization to do its work.

**1313.** The Government member of Thailand asked whether the proposed amendments would produce outcomes different from those envisaged by the proponents of the draft resolution and whether different approaches could create different burdens for the Office in the future.

**1314.** The representative of the Secretary-General clarified that the text under consideration was a draft resolution submitted by the Government members of Singapore and Switzerland and it was for the Committee to decide on it. The resolution invited the Governing Body to consider the outcome of the standard-setting discussion and determine the appropriate follow-up, in line with its authority to set the Conference agenda and decide how best to proceed.

**1315.** The Government members of Namibia, speaking on behalf of the Africa group; Canada, Australia, Switzerland, and Uruguay supported the amendment proposed by the EU Member States. The resolution should report on the Committee's mandate, as established by the Governing Body, and the decision adopted by the Committee during the first discussion the previous year, to develop a Convention supplemented by a Recommendation. The resolution should therefore reflect that the mandate had not been fully achieved. Moreover, it should be for the Governing Body to decide on any future standard-setting discussions.

**1316.** The Government member of Peru supported the amendments introduced by the Employer Vice-Chairperson. The Convention struck an appropriate balance between the need for decent work in the platform economy and respect for national realities and diversities and the Recommendation would no longer be necessary as the substantive principles that could have been set forth in the Recommendation had been incorporated into the Convention.

**1317.** The Government members of Norway, Brazil and Brunei Darussalam supported the amendment proposed by the EU Member States.

**1318.** The Government member of the United States supported the amendments introduced by the Employer Vice-Chairperson. With the adoption of the Convention, the mandate of the Committee had been fulfilled. The draft resolution, as originally proposed, inviting the Governing Body to "take all necessary decisions, making full use of ILO means of action", was overly broad and open-ended.

**1319.** The Worker Vice-Chairperson reiterated that the Committee's mandate had been to develop a Convention and a Recommendation and it had not had time to consider the draft Recommendation. She supported the amendment by the EU Member States, which gave flexibility to the Governing Body in determining the appropriate follow-up to the Convention.

**1320.** The Government member of New Zealand supported the amendments introduced by the Employers' group.

**1321.** The Employer Vice-Chairperson indicated that the amendment to paragraph 2 sought to provide clarity on the way forward, as the original text, despite the amendment proposed by the EU Member States, created uncertainty. The Convention was the outcome of an extensive process, including a meeting of experts, the two-year standard-setting process and several rounds of informal consultations. It was not appropriate to reopen a complex discussion. While consideration of the draft Recommendation could have enriched the discussion, it was not necessary to adopt a Recommendation to consider that the Committee's mandate had been completed. The Committee's mandate had been to adopt a standard and it had done it. Moreover, the phrase "all necessary decisions, making full use of ILO means of action" was too broad and raised budgetary concerns.

**1322.** The Government member of Colombia did not support the amendments introduced by the Employer Vice-Chairperson. The Governing Body needed to take decisions to continue developing a Recommendation at an appropriate time, as the process had been conceived from the outset as a Convention supplemented by a Recommendation. Governments had set aside issues on the understanding that they could be addressed in the Recommendation. Recommendations provided guidance for developing legislation to governments that did not ratify a given Convention.

**1323.** The Government member of the Niger recalled that during the first discussion the Committee had decided by vote to develop a Convention and a Recommendation. If only a Convention were submitted to the Conference for adoption, the Committee needed to explain why the mandate had not been fulfilled. Speaking on behalf of the Africa group He introduced a subamendment to the amendment introduced by the Employer Vice-Chairperson to the preamble to add ", but did not have the time to examine and adopt the text of the Recommendation supplementing" after "succeeded in adopting the Convention".

**1324.** The Employer Vice-Chairperson emphasized that, while her group had been prepared to engage constructively in considering the draft Recommendation, including by submitting amendments and was prepared to support the Convention, it could not accept an undefined path regarding the Recommendation. Given the complexity of the topic and the lengthy standard-setting process, she cautioned against creating a precedent for open-ended discussions that could undermine the ILO's ability to adopt international labour standards efficiently. She also raised a question about the cost implications of meetings of experts or another standard-setting discussion.

**1325.** The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Government member of the Niger.

**1326.** The Government members of Malawi, Colombia and Bangladesh recalled that the Committee had been mandated by vote to draft both a Convention and a Recommendation, and it was necessary to report on the reasons for which that mandate had not been fulfilled.

**1327.** The Government member of Singapore indicated that she could accept any language acknowledging that only the Convention had been adopted. The resolution was intended to convey the Committee's views to inform the Governing Body's consideration on the next steps, while leaving the final decision to the Governing Body.

**1328.** The Government member of Mexico acknowledged that the adoption of the Convention was a significant success. As the Committee had not had time to discuss the draft Recommendation, the resolution should reflect that fact without prejudging how or when the matter would be taken forward, leaving flexibility for the Governing Body to decide. He supported the subamendment introduced by the Government member of the Niger, as well as the amendment by the EU Member States.

**1329.** The Government member of Zimbabwe recalled the resolution adopted during Zimbabwe's presidency of the Conference the previous year, which called for the development of both a

Convention and a Recommendation. The issue was therefore not whether there should be a Recommendation, but when.

**1330.** The Government member of Australia indicated that the debate concerned two issues: whether the Committee had accurately reflected how it had discharged its mandate and whether it should express views on the next steps or simply defer to the Governing Body to consider such steps as there would be flexibility to take them anyway.

**1331.** The Government member of Grenada, speaking on behalf of the CARICOM countries, indicated that the resolution should provide an accurate account of the Committee's work. While the Committee had successfully concluded discussions on the Convention, the mandate to develop a Convention supplemented by a Recommendation had not been fully completed due to the complexity of the issue and time constraints. She supported the subamendment introduced by the Government member of the Niger.

**1332.** The Government member of Malawi stressed that the Committee had not been able to complete all aspects of its mandate. It was important that the resolution explained the reasons why the Recommendation had not been discussed, reflecting the complexity of the negotiations. Any decision on the next steps would be for the Governing Body.

**1333.** The Government member of the United States introduced a further subamendment, seconded by the Employers' group, to delete paragraph 2. The Committee had completed its mandate. While the Governing Body could decide to return to the issue in the future, the Committee should not include language encouraging it, as the Governing Body attached significant weight to such recommendations.

**1334.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the deletion of paragraph 2, which did not propose any new course of action; it simply reflected the outcome of the Committee's work.

**1335.** The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, and Bangladesh agreed with the Government member of Namibia, on behalf of the Africa group that paragraph 2 could not be deleted.

**1336.** The Government member of Bangladesh pointed out that the other two committees of the 114th Session (recurrent discussion on social dialogue and tripartism and general discussion on the transformative agenda for gender equality at work), had not omitted mentioning issues on which agreement had not been reached when presenting their outcomes to the Conference plenary. The Committee should therefore follow the same practice and disclose that it had not had time to consider the draft Recommendation, which formed part of its mandate.

**1337.** The amendment proposed by the Employers' group to the preamble was adopted as subamended by the Africa group; the amendment proposed by the EU Member States to paragraph 2 was adopted; and the draft resolution was adopted as amended.

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*As there was no time at the last sitting, Committee members delivered their closing remarks during the final plenary sitting of the Conference on Friday, 12 June, before the adoption of the Convention.* [14]

[14] The recordings and transcripts of the statements can be consulted on the ILO website.