



International
Labour
Organization



CHINA EU Project
Improving China's institutional
capacity towards universal social
protection

► International practices in employment injury insurance for workers in digital platform employment



- ▶ **International practices in employment injury insurance for workers in digital platform employment**

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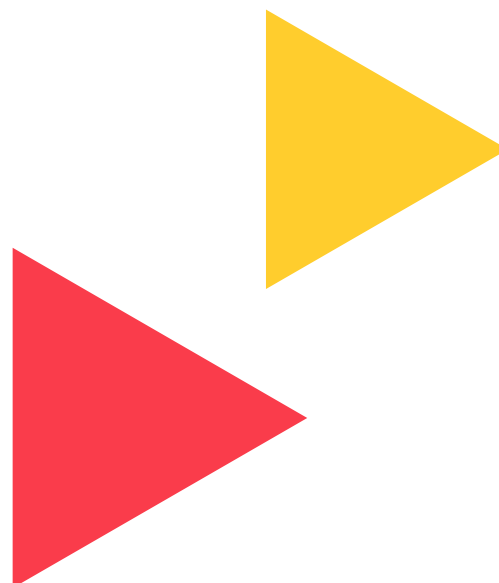
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Foreword

The rise of the digital economy and digital labour platforms has generated opportunities and challenges in the world of work. While platform-related jobs have grown rapidly and offer flexibility and autonomy to the workforce, they present challenges in terms of inadequate labour protection and social security. Platform workers often face difficulties in accessing social security benefits, yet such workers are highly prone to work injuries due to the sectors where they operate and specific characteristics of the platform economy. A growing number of countries are adopting and implementing employment injury insurance (EII) systems following social security principles set out in ILO Conventions, including the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Employment Injury Benefits Convention, 1964 (No. 121). A new wave of reforms in regulating platform work and explorations into extending EII coverage to self-employed and platform workers are happening across the world. This publication aims to offer counseling to the Ministry of Human Resources and Social Security of China (MOHRSS) as it considers a new regulation on labour protection and employment injury insurance for platform workers.

In 2020 and 2021, the EU-China Project “Improving China’s Institutional Capacity towards Universal Social Protection”, managed by the ILO carried out a series of policy dialogues between government officers from MOHRSS national department and from several provinces and social partners in China with decision makers from countries in the European Union and from the region of Asia Pacific on the topic of extending social security coverage to workers in new forms of employment, with a focus on platform workers. In April 2021, the project organized a research seminar on EII for workers in the platform economy in Beijing and invited policy makers from Canada, Malaysia, Spain, and Sweden to share their experiences in exploring reforms of employment injury insurance systems aligned with ILO social security standards to extend protection to platform workers regardless of their employment relationships. This publication draws on those experience sharing sessions, and adds the experience of other countries such as Republic of Korea, Japan and other countries from the European Union. It is hoped that this publication provides policymakers, practitioners and researchers with an up-to-date review of the general principles of EII, and how these principles can be adapted to enable protection of platform workers in specific country contexts. As EII for platform workers is still evolving in a dynamic labour market, this note can only offer a glance of the current status quo. The ILO will continue to monitor the development of trends and to facilitate exchanges of experiences in this area.

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Contents

► Acknowledgements	iii
► Foreword	iv
► Abbreviations and acronyms	vii
► 1. Introduction	1
► 2. Classification of workers in digital platform employment	3
2.1. Employment classification of platform workers	3
2.2. Determination of the employment relationship in national policies and laws	5
2.3. Practices to avoid misclassification of workers	6
2.4. Intermediate employment relationship categories in labour law	7
► 3. Risk profiles of location-based platform employment workers for work-related injuries and diseases	8
► 4. International standards applicable to employment injury protection for platform workers	12
4.1. Principles of extension of social insurance coverage for all workers	12
4.2. Principles of employment injury insurance	14
► 5. Comparison of social insurance and private insurance	16
► 6. The use of digital technologies in extending employment injury insurance to workers in digital platform employment	19
► 7. Overview of statutory and effective employment injury insurance coverage for platform workers	23
7.1. Statutory employment injury insurance in Europe	23
7.2. Effective employment injury insurance coverage of the self-employed in Europe	24
7.3. Employment injury insurance coverage for workers in digital platform employment	25
► 8. Design of employment injury insurance schemes for platform workers	26
8.1. Coverage of self-employed platform workers under social security law	26
8.2. Restrictions to coverage	28
8.3. Conditions for wage compensation for injury and occupational diseases	29
8.4. Benefit packages	29
8.5. Employment injury insurance contributions	32
8.6. Financing	33
► 9. The administration of employment injury insurance for platform workers	34
9.1. Decisions concerning the organization of employment injury insurance administration	34
9.2. Outreach and information	36
9.3. Identification and enrolment	36
9.4. Induction education and training	37
9.5. Payment of contributions	37
9.6. Reporting incidents	38
9.7. Investigation of incidents	39
9.8. Claims for employment injury insurance benefits	39
9.9. Medical ascertainment and disability level determination	39
9.10. Case management	40
9.11. Complaints, appeals and redress	41
9.12. Prevention	41
9.13. Inspection	42

► 10. Conclusion	43
► 11. Country case studies	45
► References	58
► Annex. Questionnaire for country cases	62

List of boxes

Box 1. Indicators of the existence of an employment relationship	4
Box 2. Progressive extension of coverage to different occupations	28
Box 3. Return to work: Lance's story, WSIB Ontario, Canada	40

List of tables

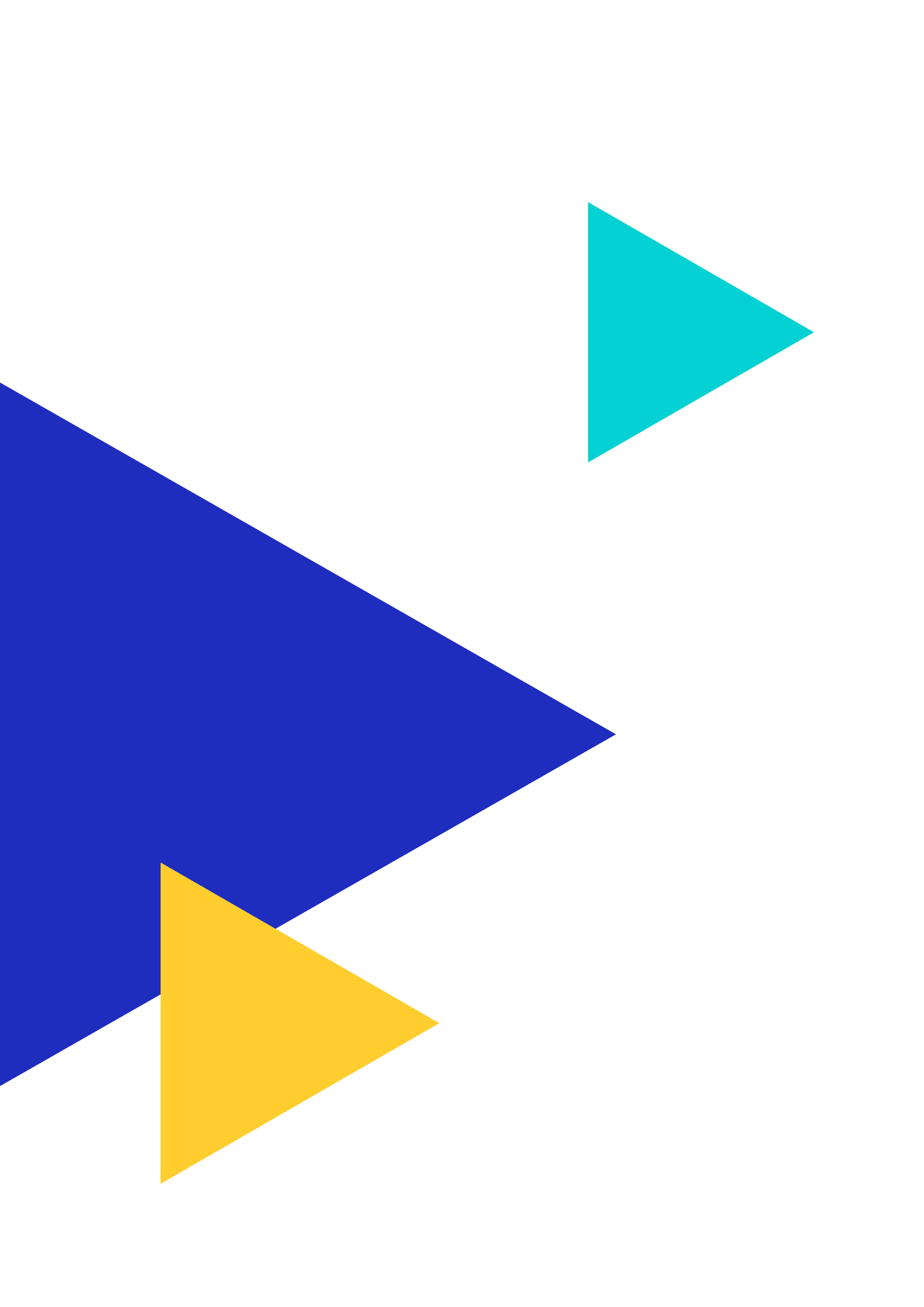
Table 1. Risk factors related to location-based work cited in literature	11
Table 2. Employment injury standards	14
Table 3. Risks of public–private partnerships in the delivery of social insurance	18
Table 4. Impact of digital technologies in EII for platform workers	21
Table 5. Protection of digital platform workers: statutory provision of employment injury insurance in selected countries	27
Table 6. Contributions for the self-employed for EII	33
Table 7. Standard income for the premiums and benefits for the self-employed in the Republic of Korea, 2021 (Korean won)	46
Table 8. Standard income and contribution rates for the premiums and benefits for the self-employed in the Republic of Korea, 2021 (Korean won)	47
Table 9. Overview of Malaysia's matching contributions scheme, as of 1 June 2021	51

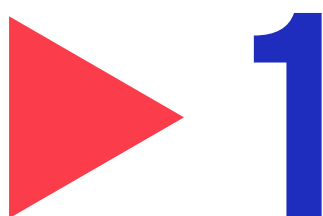
List of figures

Figure 1. Share of self-employed dependent on a single client, EU (%)	6
Figure 2. Number of active digital labour platforms globally, selected categories	9
Figure 3. Main reasons for stress in platform work (% of respondents)	9
Figure 4. High and Low road for employment injury insurance for all workers	13
Figure 5. EII coverage for self-employed workers, by share of countries in Europe, 2020 (%)	23
Figure 6. Share of self-employed workers with employment injury coverage (self-reported) in select European countries, 2017 (n=8,000) (%)	24
Figure 7. Stylized administrative processes for EII claim	35
Figure 8. Process for platform workers to pay EII contributions and receive benefits in France	38
Figure 9. Number of active workers enrolled in the PERKESO Self-employed Social Security Scheme, 2017–21	51

Abbreviations and acronyms

CNESST	Standards, Equity, Health and Safety Committee (Quebec, Canada)
COMWEL	Korea Workers' Compensation and Welfare Service
DPE	digital platform employment
EII	employment injury insurance
HSE	Health and Safety Executive (United Kingdom)
IBA	Insurance Business Agency (Republic of Korea)
ISSA	International Social Security Association
NHI	National Health Insurance (Republic of Korea)
NHIS	National Health Insurance Service (Republic of Korea)
OSH	occupational safety and health
PERKESO	Pertubuhan Keselamatan Sosial (Social Security Organisation) (Malaysia)
TCO	Confederation of Professional Employees (Sweden)
WCI	Workers Compensation Insurance (Republic of Korea)





Introduction

Globally, there are 2.8 million work-related deaths, 374 million injuries and 160 million illnesses per year. The financial burden of compensation, healthcare and rehabilitation can amount to 4 per cent of annual global GDP for work injuries alone (ILO, 2021d). Yet, according to the ILO *World Social Protection Report 2020–22*, only 35.4 per cent of the labour force worldwide is protected under law by employment injury insurance (EII). As a result, many workers face financial hardship when they are incapacitated by workplace injuries and occupational diseases, and many families end up struggling financially when their breadwinners die as a result of a workplace injury.

The primary objectives of EII are to help workers overcome financial hardship in the short term, to make sure that they can resume work rapidly and to support their dependents in case of death. In that respect, the support offered by EII first takes the

form of medical aid to restore bodily and cognitive functions, income replacement by way of periodic cash benefits throughout the suspension of earnings during treatment, or funeral grants to survivors (ILO 2021c). In case of incapacity to fully resume previous activities, EII helps workers to embrace a new professional role, where possible, and when they have reduced earning capacity, it helps them maintain their living standards. In such cases, EII generally awards periodic cash payments to complement workers' reduced incomes, provides financial support towards the acquisition of rehabilitation equipment and access to rehabilitation services, and in some cases, offers technical and financial aid to adapt to the workplace. Finally, for workers who are unable to reenter work, permanent living disability allowances or invalidity benefits are provided (ILO 2021c).

Workers in new forms of employment and particularly those in local digital platform employment are not adequately covered by EII (ILO 2021b). Yet they are generally highly prone to work injuries¹ (ILO 2021a). Despite this, EII regulations do not usually provide the needed protection because they were not designed to fit these new work patterns. For example, the drivers, riders, cleaners, designers and others working in digital platform employment are often formally contracted as independent workers, whereas in most cases, work injury insurance regulations rely on employer–employee relationships. The COVID-19 pandemic has accelerated the realization that many

platform workers who continued to work during periods of lockdown were not adequately protected. This has prompted the need for governments to expand the coverage of employment injury to those workers. In China, a guiding opinion from the State Council in 2021 indicated that priority for extension of employment injury coverage would be given to food delivery, online car-hailing and instant delivery services (Lin and Yunjia 2021). This paper focuses on the experiences of countries that have adopted or are considering adopting EII systems for workers in local digital platform employment.

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1 The ILO has used the concept of “digital labour platforms” or being in “digital labour employment” to “include web-based platforms, where work is outsourced through an open call to a geographically dispersed crowd (‘crowdwork’), and location-based applications (apps) which allocate work to individuals in a specific geographical area” (Berg et al. 2018).



▶ 2

Classification of workers in digital platform employment

2.1. Employment classification of platform workers

Many platform workers cannot access EII because existing legislation requires that the worker has a labour contract, whereas most platform workers do not have an identified employer (Kool et al 2021). Platform companies often argue that the existing relationship between them and the worker does not fit a labour relation due to a number of factors, including the use of workers' own equipment (for example, the driver's car); their autonomy concerning working hours (such as, deciding to work by logging into a smartphone app); the short duration of the relationship; the character of the relationship involving several parties (for example, the driver, the platform and the passenger). The absence of appropriate classification or the misclassification of platform workers as self-employed results in a lack of adequate labour and social security protection (Schoukens 2020, Kool et al 2021).

The ILO Employment Relationship Recommendation, 2006 (No. 198), asserts that “the uncertainty as to the existence of an employment relationship must be addressed to guarantee fair competition and effective protection of workers” (Preamble). The misclassification of workers as self-employed results in unfair competition, potentially triggering economic insecurity and job instability in other companies. Paragraph 4 of ILO Recommendation No. 198 thus recommends that States devise a national policy to:

- a. provide guidance on the existence of an employment relationship;
- b. combat disguised employment relationships;
- c. ensure that standards apply to all forms of contractual arrangements, such as those involving multiple parties;
- d. ensure that it is always clear who is responsible for labour protection;

- e. provide effective access to “appropriate, speedy, inexpensive, fair and efficient procedures” that can solve disputes; and
- f. ensure the effective application of the laws and regulations, among others, by providing adequate training to enforcement authorities.

Paragraph 12 suggests defining clearly the conditions applied for determining the existence of an employment relationship, for example, by subordination or dependence. The review of legislation to facilitate the determination of the existence of an employment relationship has been based on three main principles (ILO 2021d, 238).

The principle of **the primacy of fact**. Accordingly, the determination of the existence of an employment relationship is guided by the facts (certain objective conditions being met), and not on how either or both of the parties describe the relationship.

Paragraph 13 of ILO Recommendation No. 198 provides for a non-exhaustive list of possible indicators of the existence of such a relationship (see box 1).

Determination by law. In some cases, the legislation specifies whether a given type of work gives rise to a contract of employment, depending on the conditions under which it is performed. For example, homework may be deemed to be employment if it is neither discontinuous nor sporadic.

Inverting the burden of proof. To ease the burden of proof on workers seeking to prove the existence of an employment contract, the law may proceed from the assumption that the employment relationship exists because services are provided under certain conditions. The burden of proof of the contrary would then fall on the employing units.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has stated that these guiding presumptions are “crucial to counterbalance the unequal bargaining power of the parties and as a consequence of the principle *in dubio pro operario* (in doubt, protect the weakest part in the employment relation) which is fundamental in labour law” (ILO 2020, 104).

► Box 1. Indicators of the existence of an employment relationship

Regarding the performance of work, the indicators identified in Recommendation No. 198 are:

- i. whether the work is carried out according to the instructions and under the control of another party
- ii. whether the work involves the integration of the worker in the organization of the enterprise;
- iii. whether the work is performed solely or mainly for the benefit of another person;
- iv. whether the work must be carried out personally by the worker;
- v. whether the work is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work;
- vi. whether the work is of a particular duration and has a certain continuity;
- vii. whether the work requires the worker's availability; or
- viii. whether it involves the provision of tools, materials and machinery by the party requesting the work (Para. 13(a)).

Concerning the remuneration of the worker, the Recommendation indicates:

- i. the periodic payment of remuneration to the worker might matter;
- ii. the fact that such remuneration constitutes the worker's sole or principal source of income could be deemed important;
- iii. the provision of payment in kind, such as food, lodging or transport can be taken into account. Other relevant indicators are the entitlement to weekly rest and annual holidays, the payment of travel expenses to carry out the work, and the absence of financial risk for the worker (Para. 13(b)).

2.2. Determination of the employment relationship in national policies and laws

In alignment with ILO recommendations, an increasing number of national policies and laws determine the conditions for an individual to be classified as an employee or self-employed. In addition, case law on the determination of the employment relationship is also developing rapidly internationally (De Stefano et al. 2021). Generally, whether somebody can be qualified as a contractor is often based on the level of flexibility and discretion a worker has in accepting assignments and in how and when to carry out certain tasks (Freshfields 2021).

Policies. The preamble to European Union (EU) [Directive 2019/1152](#) on transparent and predictable working conditions declares that “the determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work and not by the parties’ description of the relationship”. On 9 December 2021, the EU proposed a new [Directive to ensure that people working through digital labour platforms](#) are granted the legal employment status that corresponds to their actual work arrangements. It provides a list of control criteria to determine whether the platform is an “employer” (EC 2021b). If the platform meets at least two of those criteria, it is legally presumed to be an employer. The people working through them would therefore enjoy the labour and social rights that come with the status of “worker”. For those being reclassified as workers, this means the right to protection against work accidents as an employee. Platforms will have the right to contest or “rebut” this classification, with the burden of proving that there is no employment relationship resting on them (EC 2021b). Several countries in the EU have taken similar policy stances. For example, the German Federal Ministry of Labour presented a key issues paper in November 2020, containing proposals for fair working conditions and a greater social protection in the platform economy (Federal Ministry of Labour and Social Affairs 2020). The paper includes, inter alia, the following proposals: (i) inclusion of platform workers in the social security systems; (ii) a shift of the burden of proof to the respective platform in litigation to clarify the status of workers; and (iii) opening up the possibility for platform workers to organize themselves and jointly negotiate basic conditions of their work with the platforms.

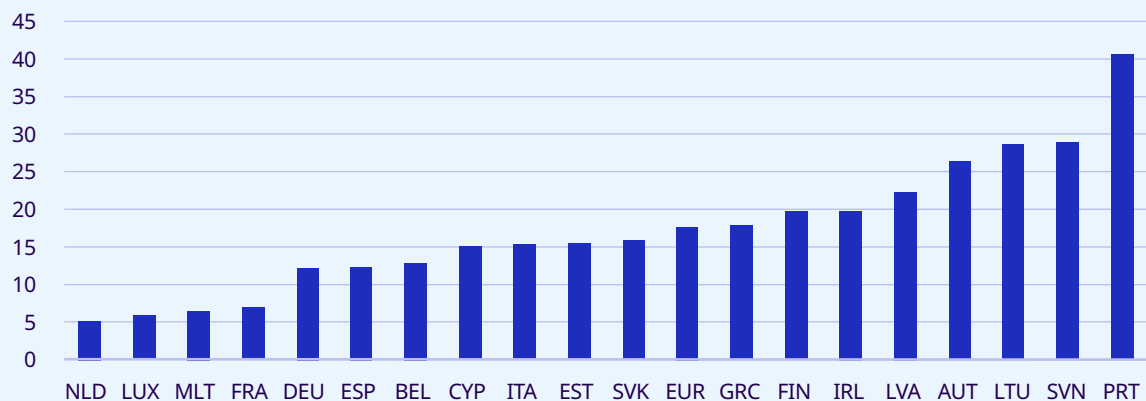
Laws. In May 2021, the so called “Riders Law” adopted in Spain gave food delivery riders employee status and corresponding labour rights. The law has a rebuttable legal presumption of an employment relationship for food delivery riders. This means that the onus of proof of the workers’ self-employment status lies with the platform companies. Section 611a of the German Civil Code asserts the primacy of facts in determining employment relationship. Accordingly, the courts must consider all practical circumstances when determining the existence of a labour relationship. If the actual execution of a contractual relationship shows that it is a labour relationship, the classification given by the parties to the contract is irrelevant (De Stefano et al. 2021, 24). Another example is Brazilian Act No. 12551/2011, which states that the computerized means of command, control and supervision of work were, for legal subordination purposes, equal to personal and direct means of command, control and supervision of work. Brazilian Act No. 13467/2017 then introduced the “intermittent [employment] contract” that allows employers to engage workers to provide their services on a non-continuous basis as an employee (De Stefano et al. 2021, 24).

Case law. In case law, the principle of primacy of facts, the flexibility of work schedules, the control through technology, the ownership of equipment and tools, and clauses for substitution of workers have been considered to decide whether an arrangement constitutes an employee relationship or not. A comprehensive discussion is provided in De Stefano et al. (2020, 30–40). For example, in Germany, whether the worker lacks the freedom to self-determine the time and place of work is a significant indicator for an employment relationship. The German Federal Labour Court ruled that a gig worker may be qualified as an employee under certain circumstances. It emphasized the fact that the compensation system of the platform operator led the worker to take on multiple assignments at the same time to get access to bigger and better paid assignments (Freshfields 2021). In February 2021, the Supreme Court of the United Kingdom of Great Britain and Northern Ireland had ruled that some e hailing-taxi drivers could be classified as “workers”, and not self-employed (United Kingdom, Supreme Court 2021). In the United Kingdom, the category of “workers”, though having a different status than “employees” with regard to labour law, still enjoys protection against accidents at work.²

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2 Workers have fewer employment rights and protections than employees. For more information, see [United Kingdom, Parliament, House of Lords Library, “Status of Workers Bill \[HL\]”](#) and [TUC, “Employment Status and Rights”](#).

► Figure 1. Share of self-employed dependent on a single client, EU (%)



Source: Eurofound 2015

2.3. Practices to avoid misclassification of workers

As shown in figure 1 above, in 13 countries in the EU, more than 15% of self-employed are dependent on single clients, which could indicate a situation of misclassification of employees. In some platform companies, many – if not most – workers are employees, and only a minority are formally self-employed, freelancers or contractors. In other companies, however, only a minority of core professional administrative staff are full-time employees. A recent study for the EU found that people working through platforms often have employee status in Germany (CEPS 2021).

As noted in the section above, the first step with regard to proper classification of workers is to create a legal and policy framework to determine the conditions for an individual to be classified as an employee or self-employed. The second step is to ensure that workers are well informed about their rights. The aforementioned EU Directive 2019/1152 on transparent and predictable working conditions aimed at updating and extending the information on employment-related obligations and working conditions. Employers are required to provide information to workers about the working relationship and schedules. The Directive applies to all employees, including workers in casual or short-term employment, on-demand workers, domestic

workers and platform workers. The third step is to ensure that workers have effective access to labour administration to submit labour complaints and obtain arbitration and mediation to support their claims. For example, the Qatari Government has established an online platform to submit queries and labour complaints.³

Fourthly, several countries actively engage in enforcing the legislation to prevent misclassification of workers and in bringing platform workers under the status of employees. To achieve that, labour and social security administrations investigate whether workers have in practice a labour relationship with the platform company. In Denmark, France, the Netherlands, Portugal and Sweden, labour inspectorates have been particularly active in making inquiries and issuing administrative guidance concerning platform work. For example, in October 2020, trade unions and the Dutch labour inspectorate took a labour intermediation company to court. In February 2021, the court decided that the company was an employment agency and not a platform operator and its workers should be considered employees. Portugal's Law No. 63/2013.109 established mechanisms to combat the misuse of service contracts. If labour inspectors find that the relationship between two parties shows features of an employment contract, they can draft a notice and request the employer to regularize the situation within ten days. If this does not occur, the relevant file is referred to the public prosecutor to bring an action

3 See: [Qatar, Government of Qatar, Hukoomi, "Query for Labour Complaints"](#).

to recognize the existence of an employment contract (De Stefano et al. 2021, 27). In Spain, Royal Decree-Law 28/2018 introduced new penalties for the conversion of employees into false self-employed workers. To prevent businesses using false self-employed workers, the law includes a new serious labour infringement that consists of de-registering an employee who is subsequently registered as self-employed, and who continues to perform the same labour activity or carries out an identical provision of services. The conduct will be sanctioned with a fine of between €3,126 and €10,000 for each employee involved. In a small number of cases, social security agencies apply an employee status after their investigation, independent of the formal labour relationship of the worker.

2.4. Intermediate employment relationship categories in labour law

Some countries tried to develop specific categories of labour relations focusing on platform workers. This involved legislative interventions to regulate relationships that did not fit easily into either the employee or self-employed categories. This approach was implemented in Italy, Spain and the United Kingdom. In the United Kingdom, under the category of “worker”, workers are entitled to certain employment rights, including: the national minimum wage, protection against unlawful deductions from wages, the statutory minimum level of paid holiday,

the statutory minimum length of rest breaks, to not work more than 48 hours on average per week, or to opt out of this right if they choose. They may also be entitled to statutory sick pay, statutory paid maternity, and paternity leave, adoption and shared parental leave. The objective was to safeguard the legal status of economically dependent and vulnerable self-employed workers who remain in the grey zone between employed and self-employed workers (ILO 2020, 118). However, as indicated before, new labour law or case law in these countries has moved towards the objectives of better enforcing existing regulations and attempting to classify de facto workers as employees (De Stefano et al. 2021).



► **Platform work and the employment relationship**
平台工作与雇佣关系

Martine Humblet

[Listen to Martine Humblet, ILO Legal Specialist on Working Conditions \(INWORK\) on Employment Injury Insurance for Workers in the Platform Economy \(Soundcloud\).](#)



▶ 3

Risk profiles of location-based platform employment workers for work-related injuries and diseases

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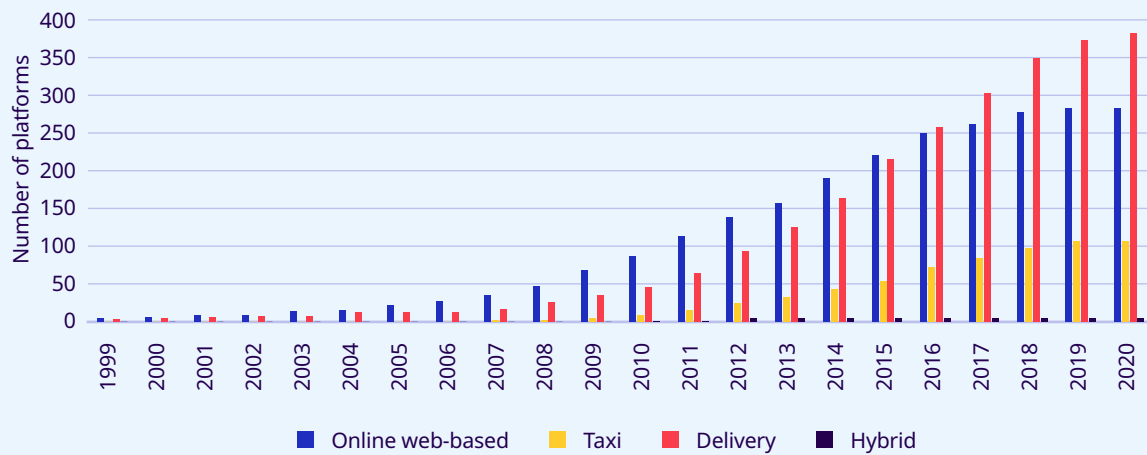
The figure 2 next page, from the ILO's World Employment and Social Outlook report (2021) shows that the local platform economy is predominant in taxi and delivery sectors.⁴ The EC (2021a) found that on-location platform work accounted for more than 90 per cent of digital platform employment earnings in

Europe and taxi services (39 per cent of earnings) and delivery services (24 per cent of earnings) represented two-thirds of workers' earnings. This was followed by home services (19 per cent of earnings), professional services (7 per cent of earnings) and domestic work (3 per cent of earnings).

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4 See also NELP 2016 for specific information about the United States of America.

► Figure 2. Number of active digital labour platforms globally, selected categories

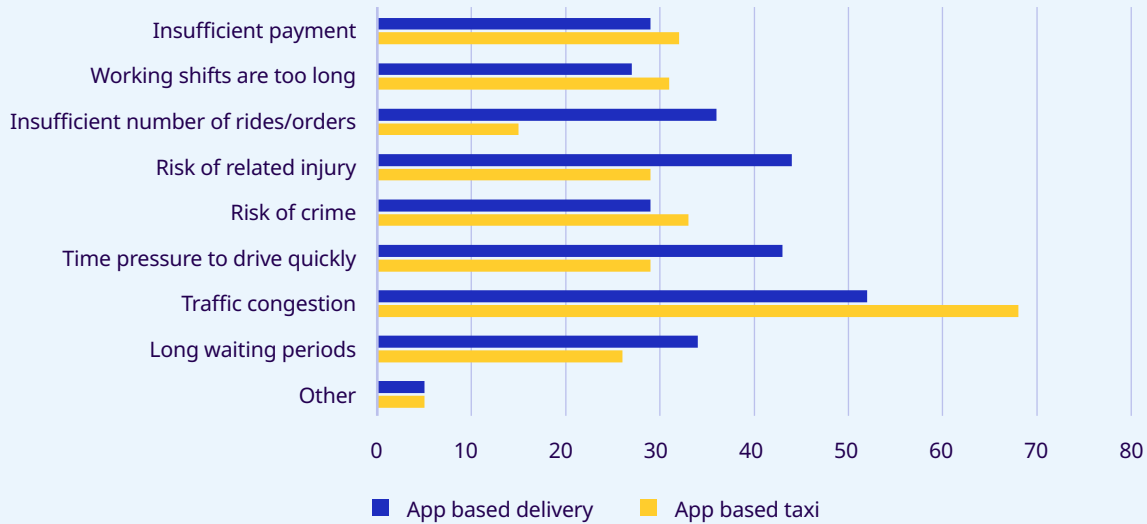


Source: ILO (2021b, 47).

According to the ILO (2021), transport and delivery industries are characterized by low pay and long work shifts (see figure 3 below).

A survey in Europe showed that the exposure of platform workers to health and safety risks in these sectors, is high, and comparable to the risks faced by temporary and agency workers (EU-OSHA 2017, 26).

► Figure 3. Main reasons for stress in platform work (% of respondents)



Source: ILO 2021b, 171.

Certain events trigger specific risks for health and safety in digital platform employment. For example, workers in passenger transport, food delivery or domestic/cleaning face higher risks due to bad weather, traffic congestion, crime or harassment than other workers. There are also specific risks related to location-based digital platform employment business models (see table 1). The literature cites the time pressure due to pay per task. For example, due to the business model of the online taxi industry, some drivers work continuously for a long time or choose to drive at night to increase their earnings, which increases risks to their physical and mental health.⁵ Deliverymen are affected by the rapid pace of work. Delivery times are concentrated in the lunch and dinner periods, during which periods their work intensity increases considerably for short intervals of time, forcing them to drive at high speeds or to run (Yan 2021). They will seldom have breaks, and often these breaks are not remunerated (EU-OSHA 2017, 26; Hauben, Lenaerts, and Wayaert 2020, 35). Their waiting time or time for organizing parcels may consume a considerable part of their real worktime but again they may not be paid for this activity.

Platform workers tend to be of a younger age, which is a recognized risk factor for occupational injury (EU-OSHA 2017, 26). Location-based platform workers are generally engaged in low-skilled work with strong competition between workers, which leads to more risk taking. These workers are also less aware of risks (in the short and long term) and take fewer precautions, for example, ignoring a red light when crossing a street to complete more tasks (Hauben, Lenaerts, and Wayaert 2020, 37).

Locationbased platform work is done in public places and not in protected work environments that benefit from environmental health and safety working conditions (EU-OSHA 2017, 26–28). The equipment is often provided by the workers themselves and may not meet ergonomic criteria and protective qualities (Hauben, Lenaerts, and Wayaert 2020, 37). Workers do not enjoy paid sick leave. These factors compound the risk of stress and fatigue, which result in a higher likelihood of work-related injuries. There is a false belief that platform workers operate in occupations that do not require specialised training. Yet, transport and delivery, as well as homework and professional activities (electrical work, plumbing, etc.) are notoriously dangerous. The lack of such training (on the work tasks and on occupational safety and health issues) increases the risk of accidents. Finally, psychosocial health risks increase because most of the tasks are performed individually, often in competition with fellow workers and normally with lower levels of social support or time to socialize (Glavin, Biernman and Schieman 2021). Platform economy workers report a feeling of isolation that heightens their sentiments of insecurity and anxiety. For example, the 2019 Canadian Quality of Work and Economic Life Study found that platform economy workers were 50 per cent more likely to report feelings of helplessness, and almost 40 per cent more likely to report feelings of little control (Glavin, Biernman and Schieman 2021). Furthermore, they may not know who to contact to report safety concerns. The worker must always be on stand-by to accept any potential upcoming jobs, which blurs work–life boundaries (Hauben, Lenaerts, and Wayaert 2020, 37).

5 Orders at night can earn more than during the day, which will induce drivers to overwork (Yan 2021). See also Al Jazeera English, “Dying to Deliver: Overworked in South Korea”, 28 October 2021.



► Table 1. Risk factors related to location-based work cited in literature

Risk factor	Reference
► Lack of protective role in workplace, notable lack of preventive measures	EU-OSHA 2017, 26, 28
► Younger and risk prone	EU-OSHA 2017, 26
► Less work experience	Hauben, Lenaerts, and Wayaert 2020, 35
► Time pressure (pay per task and constant monitoring), rapid pace of work, no breaks	EU-OSHA 2017, 26; Hauben, Lenaerts, and Wayaert 2020, 35
► No paid sick leave leads to higher morbidity	EU-OSHA 2017, 26
► Anti-social, addictive behaviours	EU-OSHA 2017, 26
► Lack of sufficient work/Lack of sufficient income – stress	ILO WESO 2021, 127; EU-OSHA 2017, 28
► Working shifts too long	ILO WESO 2021, 127
► Lack of training	Hauben, Lenaerts, and Wayaert 2020, 35
► Socio psychological risks due to absence of work life balance	Hauben, Lenaerts, and Wayaert 2020, 35
► Socio psychological risks due to social isolation and harassment	Hauben, Lenaerts, and Wayaert 2020, 35
► Competition with other workers	Hauben, Lenaerts, and Wayaert 2020, 37

Finally, public health and safety prevention measures are not always available for platform workers, and they therefore must rely on the voluntary discretion of platform companies to ensure safe work environment, work equipment and work conditions. Samant (2020) noted that there are opportunities to adapt OSH to digital platform economy by harnessing the potential of digital technologies themselves: “There are prospects for integrating requirements of OSH regulation into the

algorithms of the digital platform. For example, aligning the limitation of working-time regulations or integration of mandatory safety management programs into the platform software for the drivers including vehicle-based driver fatigue assessing technology.” This means that it is not enough to extend the existing regulations to workers in platform economy. Instead, there is a need to bring innovation to the regulatory frameworks adapted to the new forms of employment.



International standards applicable to employment injury protection for platform workers

4.1. Principles of extension of social insurance coverage for all workers

ILO social security standards promote the following key principles regarding the extension of social security to all workers (Behrendt and Nguyen 2018, 9):

- ▶ universality of protection for workers in all types of employment;
- ▶ adequacy of coverage at minimum levels prescribed or recommended by ILO standards;
- ▶ portability and transferability of benefits;
- ▶ transparency;
- ▶ gender equality; and
- ▶ good governance and trust in social security.

In accordance with those principles, the *World Social Protection Report 2020-22* indicated that for the ILO, a high road for Universal coverage encompasses not only the quantitative extension of benefits to all workers but also their adequacy, their comprehensiveness responding to different needs in the life cycle and their adaptation to the developments in the world of work.

A report for the European Commission (Schoukens 2019) identified several principles that underpin strategies for universal social security coverage, inclusive of all forms of employment:

- ▶ Labour neutrality – Measures should, insofar as possible, be neutral in design as regards labour status such that they do not encourage the creation of one form of employment over another.

Shoukens (2019, 5) argues that ‘in order to have an effective social protection system in place, it is advisable to distinguish ..., between the basic principles which are valid for all involved work groups (standard workers, part-time workers, self-employed persons) and the application rules which have to take into account the specific work circumstances of each of the involved groups’.

- **Equivalence** – A reasonable level of equivalence ensures that the relationship between what a worker pays into the scheme and what s/he receives from it as a benefit is comparable between different forms of employment.

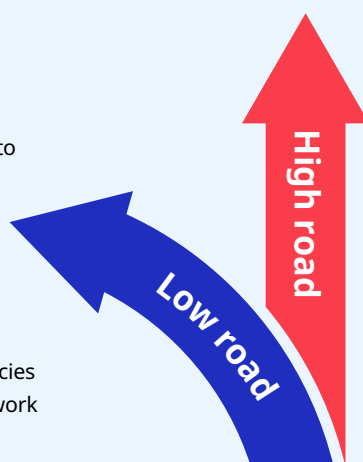
- **Accessibility** – This involves the ease and convenience of joining the social protection system and applying for benefits.
- **Comprehensiveness** – For the EU, this concept involves the broad application of social security principles and instruments for all categories of workers, and avoidance of fragmented systems with different levels of protection.

Moreover, ILO standards recommend that countries consider the progressive implementation of mandatory schemes based on large risk pools in the context of unified and well-coordinated social security frameworks (see figure 4 below).

► **Figure 4. High and Low road for employment injury insurance for all workers**

Low road

- Voluntary coverage
- Small risk pools
- Low quality and poor access to benefits and services
- Complex and cumbersome administrative procedures
- Low transparency
- Low trust
- Fragmentation
- Isolated or disconnected policies
- Inadequate financing framework
- No social dialogue



High road

- Mandatory coverage
- Large risk pool
- High quality benefits and services easy access
- Simplified administrative procedures, harnessing digital technology
- High transparency and high trust
- Unified/coordinated system
- Integrated policy framework
- Sufficient fiscal space
- Good mix of contribution and tax financing
- Broad and well-informed social dialogue

Source: Adapted from ILO (2021a) and Shahra Razavi (2021)

The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) establishes that at least 50 per cent of all employees – and in case of death of the breadwinner, their spouse, and children – should be covered. The ILO Employment Injury Benefits Convention, 1964 (No. 121) goes further and prescribes that all public and private sector employees (including members of cooperatives and apprentices), spouses, children and other dependents should be covered. A few exceptions may apply for example, in case of employment of a casual nature (Article 4). However, the Employment Injury Benefits Recommendation, 1964 (No. 121) calls for the progressive extension of the application of legislation

to the categories of employees which may have been excluded by virtue of Article 4 of the Convention and encourages States to secure the provision of benefits, if necessary, through voluntary insurance, to self-employed persons and certain categories of persons working without pay (Para. 3(1)).

The rise of the platform economy and the increase in job mobility calls for inclusive social protection systems that ensure portability of entitlements and rights between schemes and across employment statuses. In recognition of this, many countries have either sought to integrate the self-employed into their general social insurance or to strongly coordinate fragmented social security schemes (ILO and OECD 2020, 15–16).

4.2. Principles of employment injury insurance

According to ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), any condition that impacts negatively on health and which is due to a work accident or an occupational disease, and the incapacity to work and earn that results from it, must be covered. That includes the provision of medical and allied care and cash benefits to the injured person or their dependents. Convention No. 121

recognizes the importance of an integrated approach in improving working conditions, limiting the impact of employment injuries, and facilitating the rehabilitation and reintegration of persons with disabilities in the labour market and in society. The following table describes the prescriptions of ILO C.102 and the more advanced requirements of ILO C.121 in respect to the contingencies covered, the extent of coverage, the nature of benefits, their duration and entitlement conditions and rehabilitation and return to work.

► Table 2. Employment injury standards

	Convention No. 102	Convention No. 121
Contingencies	Ill health and/or incapacity for work due to work-related accident or disease, resulting in suspension of earnings; total loss of earning capacity or partial loss at a prescribed degree, likely to be permanent, or corresponding loss of faculty; loss of support for the family in case of death of breadwinner.	The contingencies covered shall include the following where due to an employment injury: a morbid condition; incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation; total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.
Coverage	At least 50% of all employees and their wives and children.	All public and private sector employees including members of cooperatives and apprentices, spouses, children, and other dependents should be covered. A few exceptions may apply (Art 4) for example in case of employment of a casual nature.
Benefit	<i>Medical care and allied benefits:</i> General practitioner, specialist, dental and nursing care; hospitalization; medication, rehabilitation, prosthetics, eyeglasses, etc., with a view to maintaining, restoring or improving health and ability to work and attend to personal needs. <i>Cash benefits:</i> Periodic payments: at least 50% of reference wage in cases of incapacity to work or invalidity; at least 40% of reference wage in cases of death of breadwinner. Long-term benefits to be adjusted following substantial changes in general level of earnings which result from substantial changes in the cost of living. Lump sum if incapacity is slight and competent authority is satisfied that the sum will be used properly.	As in Convention No. 102. In addition, certain types of care at the place of work. Periodic payments, corresponding to at least 60% of the reference wage in cases of incapacity for work or invalidity. In case of death of the breadwinner, benefits for the widow, the disabled and dependent widower, dependent children, as well as all other persons, as recognized under national legislation. Periodic payments corresponding to at least 50% of the reference wage. In principle a funeral benefit must be provided. Obligation to prescribe a minimum amount for these periodic payments. Possibility of converting periodic payments into a lump sum: (1) in the case of loss of earning capacity which is not substantial; and (2) in exceptional circumstances, and with the agreement of the injured person, when the competent authority has reason to believe that such lump sum will be utilized in a manner which is particularly advantageous for the injured person. Supplementary benefits for disabled persons requiring the constant help of a third person

	Convention No. 102	Convention No. 121
Benefit duration	The benefit has to be granted throughout the contingency. As long as the person is in need of healthcare or remains incapacitated No waiting period except in the case of temporary incapacity to work (maximum 3 days)	Possibility of fixing a waiting period in cases of incapacity to work if the delay was provided for under legislation at the time the Convention entered into force and the reasons for this still exist.
Conditions of entitlement to benefits	No qualifying period allowed for benefits to injured persons. For dependents, benefit may be made conditional on spouse being presumed incapable of self-support and children remaining under a prescribed age.	As in Convention No. 102. Possibility of prescribing a period of exposure for occupational diseases. Possibility for the national authority to prescribe conditions under which a widow can claim the benefits.
Return to work	Co-operation with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.	Providing vocational rehabilitation service for disabled workers' return to work, replacement, etc.

In addition to the technical standards above, the social insurance principle of neutral governance of the administration of social security, establishes that the right to the benefit is established outside the contractual relationship between a worker and his/her employer. As a result, the benefit is not affected in case of the insolvency of the employer unlike in cases where there is high level of exclusive responsibility of the employer for the payment of benefits (ILO 2021b). Moreover, international

good practice indicates that a worker should be entitled to the benefits even if his employer does not respect his obligations, for example if the worker is not registered or the employer has not paid due contributions. It is incumbent on social security to make the necessary diligence with the employer to ensure that contribution payments are enforced. These elements provide guarantees to workers, that purely privately organized insurance systems cannot meet.



Comparison of social insurance and private insurance

Under traditional “workmen’s compensation schemes”⁶, the compensation of a worker or his/her surviving family dependents is the responsibility of the employer (ILO 2021b:8). It falls also on employers the duty to provide a safe and healthy working environment. Employers are liable for the losses suffered by workers or their family members resulting from the absence of preventive measures (ILO 2021b). Given that the financial burden of meeting these obligations rests solely on employers, they tend to seek private insurance to reduce the financial exposure to the costs and the volatility of work injury claims. In this case, the coverage and benefits are defined by group insurance policies. The latter may differ depending on contracting parties’ choices, and their willingness to subscribe different insurance plans (ILO 2021b).

The reliance on purely private insurance contracts has some limitations. First, profit seeking private insurance companies focus on the most solvable and profitable consumers and tend to neglect workers in industries with occupations that have higher incidence of risks, such as in transport sectors, or where risks are more ambiguous and difficult to assess, such as delivery work or homework. Even when there are national mandates and obligations to cover certain types of occupations under private insurance, insurers will usually not make significant efforts to cover dependent vulnerable workers (such as temporary or casual workers) or micro entrepreneurs and the self-employed. Because there is relatively limited risk pooling compared to national schemes, and they bear high marketing expenses, private insurers may charge high premiums (ILO 2021d). In addition, private

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⁶ Originally coined workmen’s compensation later evolved to “workers’ compensation”, and eventually to “employment injury” insurance.

insurance policies may include several exclusions of coverage related to circumstances surrounding events or diseases, resulting eventually in the inability to be compensated. Investigations to determine the qualification to benefits may also be cumbersome, long and costly for the self-employed (ILO 2021c). Workers may have to prove the responsibility of their employer. Experience has shown, that even where such an obligation exists in law, employers and workers face a high risk of litigation. So, although private insurers may be relatively efficient and rapid in processing registrations and applications, insurance claims may involve cumbersome processes of collecting information and requirements for rigorous medical assessments, which in practice can cause important delays in obtaining treatment and benefits⁷. Commercially insured employers typically face large-deductible plans, which carries costs for employers or individuals and discourages claims. Employers face direct incidence of experience-rating and may want to limit claims for fear of changes in the premium levels (ILO 2021c). In the case of occupational diseases, workers will not be entitled to benefits when they are no longer in the role for which the disease is recognized, or they are no longer attached to employer and its private insurer that originated the disease. Benefits are usually of short duration medical treatment. Private insurers avoid long-term periodic payments for earnings compensation, do not offer benefit indexation to inflation and valorisation according to wage growth, and in general rehabilitation benefits are not available. In such cases, workers may have to sign for complementary insurance.

In recognition of these shortfalls, many countries have replaced employers' liability, with social insurance. The social insurance approach promotes the following principles. The concept of "**no fault**", means that an injured worker or a survivor of a deceased worker, should qualify for benefits without necessity to prove "fault" of the employer in a court (ILO 2021c). The **collective sharing of liability** among employers means that the total cost of the compensation system is shared by all employers. Risk is shared more evenly

across employers which reduces the premium for higher risks sectors, especially those where most vulnerable workers operate. Benefits include long-term periodic payments and medical treatment and rehabilitation. There is a **public mandate** and an embedded interest for social insurance to expand coverage to all workers to ensure a broader contributory base. Significant budgets are available to promote further the extension of coverage and to ensure prevention and rehabilitation (ILO 2021c).

Whilst setting up a national EII scheme can be considered costly, it should be noted that even privately provided insurance requires specialized staff and public administration to ensure the compliance of employers and the supervision of the effectiveness, the quality and efficiency of the insurance markets (ILO 2021b).

There are different models of coexistence of public and private employment injury cover (ILO 2021c). For example, EI legislation can put a maximum on the total amount of benefits covered by the public insurance scheme (Switzerland, Sweden, Thailand) (ILO 2021c). In other countries, employers may have liability beyond national public employment injury insurance contributions. Employer liability will then be provided through private carriers even when a public scheme exists (case of the United Kingdom) (ILO 2021c). Some countries rely on public private partnerships to extend the capacity of social insurance to process administrative tasks. In these cases, international good practice, summarized in table 3, calls for the observance of the following considerations when engaging private partners in the delivery of social insurance. For example, it is important to contract private agents based on quality indicators, not only on price. Public social insurance supervisory authorities establish strong performance agreements and closely monitor the administration and delivery of social insurance by private entities, to avoid their abuse of power over their clients through aggressive cross selling of insurance products, to keep EII administration fees low, to promote the equitable treatment and inclusion of all workers and to ensure the protection and confidentiality of their data.

7 Performance indicators may be biased as they may reflect time to process for people who have submitted required proofs

► **Table 3. Risks of public-private partnerships in the delivery of social insurance**

Risks
► Cross selling products without transparency, client information and consent.   ► Marketization of individual data.   ► Disruptions in service delivery due to loss of experience, professionalism and institutional memory with change in providers from time to time.   ► Without sufficient public oversight, members’ trust on privately provided employment injury insurance can be affected by unlawfulness and maladministration affecting their willingness to contribute.   ► Reach-out to most vulnerable people may be compromised (low efforts for inclusion due to cream skinning because of higher delivery costs of social insurance to harder to reach populations).   ► Local monopolies in delivery of social security and lack of local competition may arise when only few suppliers bid in a specific location. This results in high administration fees and lower quality of services.   ► Contracting must be based on elements of trust and quality not only price.

This section has drawn extensively on two publications of the ILO, that provide useful additional guidance:

[ILO 2021c Essentials for a successful employment injury insurance system A practical guide on policy,](#)

[institutional governance, legislation, administration and sustainable finance](#)

[ILO 2021d Nine Business Practices for improving safety and health through supply chains](#)





▶ 6

The use of digital technologies in extending employment injury insurance to workers in digital platform employment

The ILO encourages the adaptation of the administration of social security to the characteristics of new forms of employment (Behrendt and Nguyen 2019). According to La Salle (2021), digital technologies have the potential to promote the extension of coverage by making social insurance administration more productive, efficient, and secure and by encouraging the demand by reducing the costs of access to services. The administration of social security agencies may sometimes resist the inclusion of workers in diverse forms of employment due to the fear that it will significantly increase its

operating costs. As a result, in many countries, the digital transformation of social security has focused in priority on increasing the productivity and efficiency of the administration (ISSA 2019). During the COVID-19 pandemic, social security relied on digital technologies to rapidly expand coverage to groups that were traditionally harder to reach. The potential of digitalisation of social security administration and services to promote the participation of workers in digital employment to social insurance is even stronger due to the greater familiarity of such workers with digital media (ISSA 2019).

Prior to the introduction of digital solutions, institutions required in-person filing of applications and authentication of paper documents (La Salle 2021). People waited in lines and had to return for follow-up visits until the approval and release of benefits. Manual procedures created backlogs and errors and prevented the standardization and automation of processes (La Salle 2021). In-person applications and changes in social security member status required in person attendance at service centres, commuting, sometimes from afar and several times for one single process, and often long waiting periods before being called at the designated counter. That is unfortunately still the reality in many countries (ISSA 2019). Paper-driven processes hamper data and information integration and multiply the number of interactions with the administration. Social security staff traditionally worked in silos and made decisions in isolation from other parts of the administration without considering the information already provided by the member to other business units. The table 4 describes examples of the application of digital solutions to social insurance which have helped increase the efficiency of administration and the convenience of social security services to members, expanding on La Salle (2019).

The use of biometric identification systems including fingerprint, face, iris, voice, signature and hand geometry can reduce the administrative burden associated with identification and registration to EII. They also eliminate the need for in person attendance for the proof of life, which is required for the continuation of payment of permanent injury benefits (ISSA 2019). Registration can be simplified by pre-populating the information to the greatest extent possible, using available data from various data repositories in the organisation, or from outside social security (ministry of justice, internal affairs, ...). Electronic social security cards provide safe individual identifiers thereby reducing fraud in social security business handling. User-friendly mobile money simplifies the payment of contributions. Through smartphone applications and APPS, clients can check in real time that the employers or platform

companies are making contributions on their behalf or that the social insurance organization is effectively registering their contributions (ISSA 2019). Remotely accessing internet-based patient records can improve the consistency of disability assessments with the potential for accelerated treatment of claims and reductions in appeals. Digital technology can assist case management by providing more rapidly coordination across departments or business units to respond to the holistic needs and circumstances of the insured. For example, a disability insurance claim can lead to entitlements to rehabilitation benefits, vocational training allowances and the adaptation of the member's workplace, requiring the timely intervention of different departments. Big data analytics can be used to detect fraud in payments of injury benefits by checking for example, if people are taking up permanent invalidity benefits whilst making tax contributions as full-time workers (ISSA 2019).

These innovations increase the ability of social security institutions to incorporate workers with diverse forms of employment and more complex needs.

Digitalisation offers the possibility for many administrative processes to be done online, allowing a seamless and more available social insurance administration that fits the needs for flexibility in time and ubiquitous access demanded by workers in platform companies (Behrendt et al 2019). However, there is also a recognition that human interfaces will continue to be important for people with special circumstances and multiple needs. Digital technologies allow to automatise processes for workers who need less assistance and to focus staff on personalised assistance and case management for vulnerable workers (ISSA 2019). Finally, the case studies will show that digital interfaces can also allow the decentralisation of services to third parties, such as business support agencies, partner associations or commercial banks, who can serve as intermediaries of social insurance agencies.

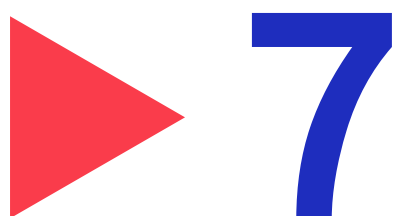
► Table 4. Impact of digital technologies in EII for platform workers

Stage	Description	Impact
Individual identification and verification of employment relationships	► Biometrics include inter alia fingerprint, face, iris, voice, signature and hand geometry. This increases the security and rapidity of member identification.	Security Efficiency
	► Electronic social security cards and unique digital individual identifiers make administrative transactions more secure than when they were paper based, increase the traceability of administrative acts, and contribute to prevent fraud and errors.	Security Integrity
	► Blockchain technology has been used to register electronic contracts that allow to trace the working career of vulnerable workers, notably freelancers, thereby strengthening their legal protection.	Mobility Portability of rights
Enrolment	► Registration can be simplified by pre-populating the information to the greatest extent possible, using available data from various data repositories. For example, exchange of information between the tax agency and the institution can help confirm residency, income, number of people in an address, and other attributes.	Reduced costs for users Rapidity of business handling
	► Different repositories can be used to validate the information provided by the insured by data matching against various databases.	Security
	► AI generated chat bots and Q&A provide rapid, individualized information channels, prior to registration to social security or to benefit claims.	Efficiency
Risk assessments	► AI applications can improve and fasten decision making provide classification, monitoring and prediction of occupational risks.	Accuracy
	► Links of AI with Internet of Things (IoT) in the domain of occupation health and safety provide additional information from sensors and other tools in the workplace to help prevention and risk monitoring.	Rapidity of decision making
Contribution collection	► Collection of premiums includes reporting requirements, file keeping, accounting reconciliation and remittance of funds to the institution. Data communication allows the automatization of some of these processes of reconciliation.	Processing rapidity
	► Mobile money simplifies the payment of contributions especially for digital platform workers, who use smartphones as a working tool. Calls for contributions and other information may be regularly issued through internet and other digital media, adapted to the circumstances of the worker.	Effectiveness

6. The use of digital technologies in extending employment injury insurance to workers

Stage	Description	Impact
Contribution collection (cont.)	► Clients can check in real time that the employers or platform companies are making contributions on their behalf or that the social insurance organization is effectively registering their contributions without waiting for monthly, quarterly or yearly statements. It reduces the cost of issuing statements. Automatization frees back-office staff for field inspection. Inspectors can have real-time access to employers' information.	Convenience
Claim for a benefit, Verification of the eligibility and adjudication of the entitlement	► Biometric systems can be used for recognition, verification and identification providing more robust security against fraudulent claims. They allow rapid, costless and convenient ways for members to demonstrate proof of life to ensure the continued payment of long-term benefits.	Security Accuracy
	► Artificial intelligence can improve the consistency of disability assessments, accelerate the treatment of claims and reduce the number of appeals by increasing the accuracy of decisions and members' satisfaction.	Rapidity of decision making Efficiency
	► Digital technology can assist case management. Automatization of business processes can reduce the need for personal interventions in simple cases freeing more time for face to face interactions in complex cases. By allowing all business units to access the same and complete information of members, digital records allow better coordination, prioritization and monitoring of interventions, including referrals to external partners, for example in the fields of medical or rehabilitation services.	Convenience Dignity Effectiveness
Payment of benefits	► Digital technologies provide secure and direct flow of information from social security administration to external financial payment providers and simplify access to benefits through direct deposits and mobile money.	Effectiveness
	► Digital technologies allow stronger internal control and audit trails Payment of benefits can be made more accurate and secure by allowing beneficiary data bases to be cross checked with other institutions or schemes' data repositories.	Control of fiduciary risks Efficiency
	► Common payment engine/platform across government allows increased control of error and fraud. For example, big data analytics helps detect fraud in payments of injury benefits by checking if people are taking up permanent invalidity benefits whilst contributing to tax authorities as full-time workers.	Error minimisation
Complaints and redress mechanisms	► Online platform to submit queries and labour complaints	Convenience Effectiveness

Source: Authors adapted from ISSA (2019) and Lasalle (2021)

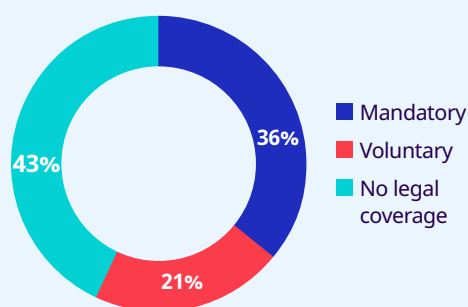


Overview of statutory and effective employment injury insurance coverage for platform workers

7.1. Statutory employment injury insurance in Europe

EII coverage is mandatory for employees in all European countries. As shown in figure 5, in the majority of these countries (57 per cent), there is statutory EII protection for self-employed workers; in about a third (36 per cent) of them EII coverage for the self-employed is mandatory; and in about one fifth (21 per cent), EII coverage for the self-employed is voluntary.

► Figure 5. EII coverage for self-employed workers, by share of countries in Europe, 2020 (%)



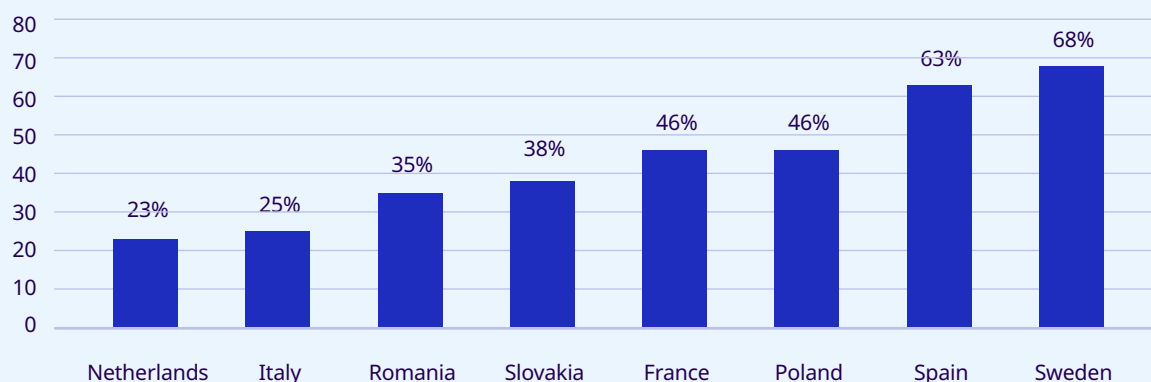
Source: EC 2020.

7.2. Effective employment injury insurance coverage of the self-employed in Europe

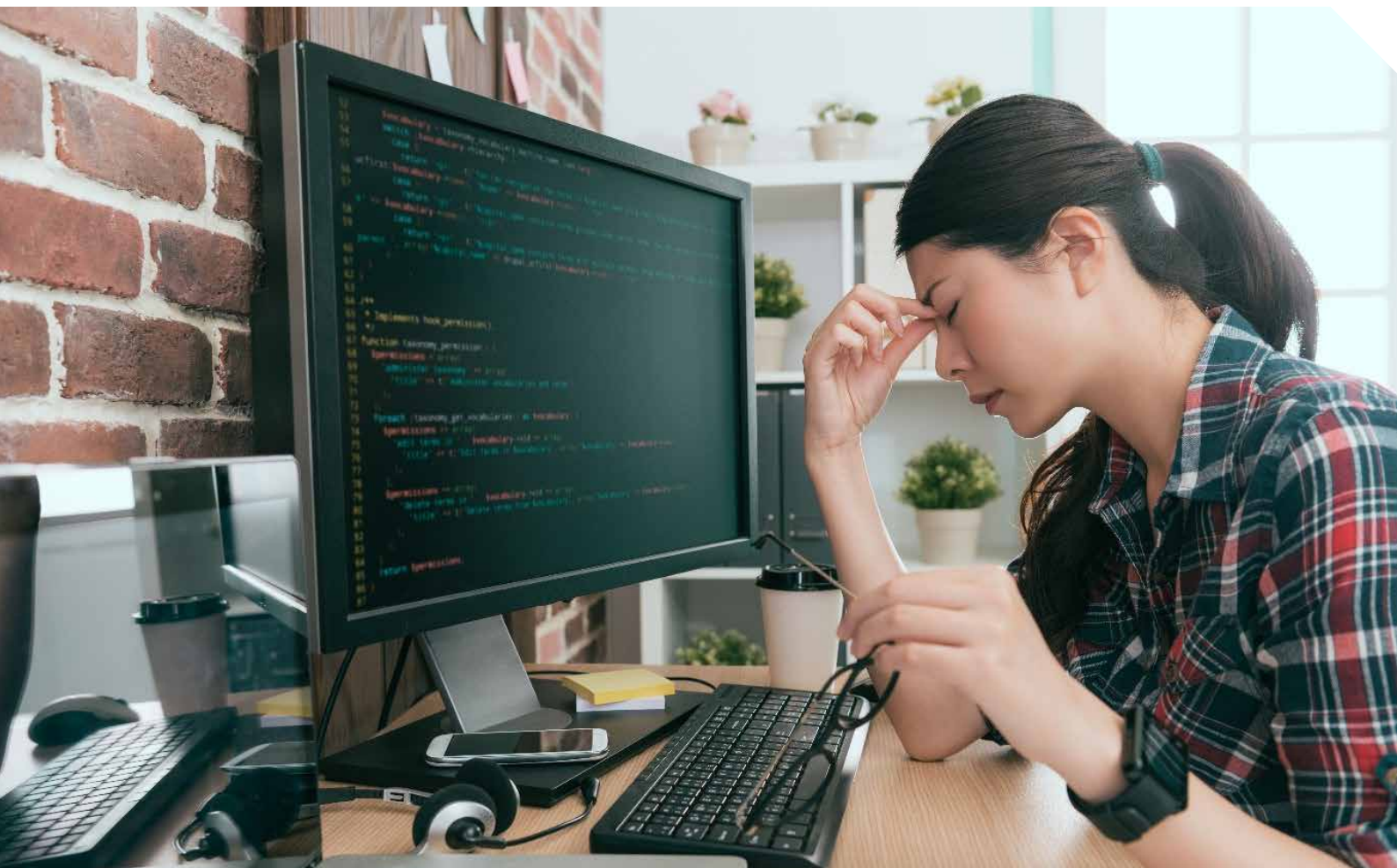
A statistical breakdown of the effective employment injury insurance coverage by occupational groups is difficult to obtain in many countries. The ILO (2021a)

estimates that worldwide about 35.4 per cent of workers are effectively covered by employment injury schemes. According to surveys in the EU, self-employed workers in Sweden and Spain report the highest levels of EII coverage, followed by Poland and France (EC 2018), see figure 6 below.

► **Figure 6. Share of self-employed workers with employment injury coverage (self-reported) in select European countries, 2017 (n=8,000) (%)**



Source: EC 2018.



7.3. Employment injury insurance coverage for workers in digital platform employment

As noted above, in many countries, workers in digital platform employment are not covered by employment injury insurance because their legal status is undefined. In Europe, some platform workers are now regarded, by default, as “employees” (this is, for example, the case in Spain or Portugal for some categories of workers in digital platform employment) and they therefore enjoy the same EII protection as regular standard employees. In Canada, there are two situations. In some cases – for example, in Ontario – independent operators, sole proprietors and partners in the construction industry are deemed to be workers and enjoy similar rights as employees. Other independent workers not included in those categories may apply to be covered by the Ontario Workplace Safety and Insurance Board as self-employed.⁸ This paper focuses in more detail on the province of Quebec, which has similar arrangements to Ontario (see also the case study). In Central and Latin America, Uruguay has introduced specific compulsory protection of platform workers

as self-employed. Mexico also provides coverage for the self-employed on a voluntary basis. Countries in Eastern and South-Eastern Asia, such as Japan, Malaysia, the Philippines, the Republic of Korea and Thailand, have a long history of implementing EII schemes and have gradually expanded social insurance coverage to new occupations (ILO 2021a and 2021c). Malaysia, Japan and the Republic of Korea have expanded EII coverage to digital platform employment under voluntary schemes in 2020–21 (see cases ahead for more detailed descriptions). Australia also provides coverage for self-employed on a voluntary basis. Similar to Japan and Korea, the policy framework in Australia is fast developing. A Senate select committee on the platform economy issued in June 2021 an interim report with proposals to improve the current protection of platform workers. ([First interim report: on-demand platform work in Australia](#)).

In the case studies examined next, workers in digital platform employment are covered under voluntary self-employed schemes, except for Sweden’s basic EII scheme where coverage of the self-employed is compulsory.

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8 As per sections 12–12.2 of the Workplace Safety and Insurance Act, 1997.



▶ 8

Design of employment injury insurance schemes for platform workers

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Since employees are generally compulsorily covered by employment injury insurance, this section considers the situation of social security coverage of platform workers in self-employment in different jurisdictions. The design of EII for platform workers raises several questions. This section presents conditions of access, eligibility restrictions and the choices for either mandatory or voluntary coverage of EII for self-employed workers. It shows that different jurisdictions offer comprehensive EII benefit packages similar to the benefit packages provided for employees. Some countries have tried to ensure that contributions do not represent an excessive financial burden that would harm workers who would otherwise have to pay contributions normally paid entirely by the employers (ILO 2021c). Finally, the section considers how compensation is associated with other protections in labour law and complementary measures.

8.1. Coverage of self-employed platform workers under social security law

In most countries, platform workers may access employment injury insurance as self-employed. In many cases, they are entitled to benefits equivalent to those of employees.

EII protection provided on the basis of recognition of employee status

In the province of Quebec in Canada, dependent contractors are compulsorily covered by EII according to social security law and enjoy EII benefits equivalent to those of employees. In Spain, economically dependent self-employed are covered compulsorily by the Special Social Security Scheme for Self-Employed

Workers. Economically dependent self-employed are those who carry out an economic or professional activity on a profit-making regular basis for a natural or legal person (which means, a client), on whom they depend economically for at least 75% of their income. Specifically, in relation to platform work the new riders law in Spain introduced a “presumption of employment” for “any consumer product or merchandise” which is delivered “through a digital platform” in Spain. In France, workers in platform economy depending on single clients already enjoyed EII according to Statute 2016-1088 on Labour, Modernization of Labour Relations, and Securement of Career Paths. This law established that independent workers in an economically and technically dependent relationship with an online platform can benefit from insurance for accidents at work if they declare so, at the responsibility and expense of the online platform (Palli 2020). However, this statute does not challenge the classification of independent workers in labour law. It simply adds some responsibilities to the contracting party regarding social security entitlements. In November 2019, the Italian Decree No. 101/2019 introduced new provisions for social protection of riders defined as workers engaged in delivering goods on behalf of others, in the urban context and with the aid of two-wheeled vehicles or similar and includes those working through digital platforms. The reform gives them EII coverage equivalent to employees and the right to be covered by the Italian legislation on health and safety at work (Legislative Decree n. 81/2008).

Mandatory social security legislation for self-employed workers

Affiliation of self-employed workers to EII in Europe is mandatory in the cases of Austria, Greece, Hungary, Italy, Poland, Slovenia and Sweden. In Sweden, everyone in paid employment (employees, self-employed, some students) is compulsorily insured by the Swedish Social Insurance Agency. The self-employed can access additional insurance coverage on a voluntary basis through the federal collective agreement insurance – Work Injury Insurance (TFA).

Voluntary social security legislation for self-employed workers

Other countries provide voluntary EII coverage to the self-employed. In Quebec, self-employed workers who work for platform companies can apply voluntarily to EII coverage. In the United States, in most states, business owners can join the workers’ compensation insurance system as individuals on a voluntary basis. In Spain, since 2019, social security for self-employed workers has become mandatory for all contingencies except work injury (as per Royal Decree-Law 28/2018) but workers can opt in to EII voluntary coverage under the special social security scheme for self-employed workers. In Denmark, Finland and Norway, the self-employed are also covered by the general scheme, if they have voluntarily chosen to be insured and must pay their own contributions.

► **Table 5. Protection of digital platform workers: statutory provision of employment injury insurance in selected countries**

Worker classification	Voluntary coverage	Mandatory coverage
Employee	–	Portugal (certain categories), Spain (certain categories), Dependent contractors in all provinces in Canada.
Self-employed	Japan, Malaysia, Republic of Korea, Austria, Spain, Finland, France, Norway, Portugal (other categories of self-employed), Romania, all provinces in Canada.	Estonia, Greece, Croatia, Hungary, Italy, Poland, Luxembourg, Malta, Northern Macedonia, Sweden, Slovenia, Serbia, Turkey, Iceland.

Source: Shoukens (2019:19), Kool et al (2021)

Nature of social security legislation for self-employed workers depending on the occupation

In some countries EII coverage can be mandatory or voluntary depending on the specific occupation. In Germany, farmers are obliged to contribute to accident insurance but the self-employed, workers

in liberal professions and artists without employment contracts are only protected if they wish so, under the statutory accident insurance. In that case, they need to pay the insurance premiums themselves. In Portugal, the Law 454/2018 introduced the “presumption of an employment relationship” (Article 12) for personal transport industries mediated by platforms. The Portuguese government introduced

a law in October 2021 that requires ride-hailing and food delivery firms to grant employment rights to some of their drivers and couriers, thus extending the rights given to taxi industry. In Malaysia, prior to 2020, the self-employed scheme was compulsory for workers in the passenger transportation sector (taxi drivers, e-hailing and bus drivers). The protection was extended to the self-employed in 19 other economic sectors from 1 January 2020, on a voluntary basis. The

Republic of Korea has an automatic default option and a voluntary scheme. Special types of workers join the EII scheme by default and can opt out. Small business owners (the self-employed) can apply for a voluntary EII scheme. Malaysia's PERKESO is also exploring automatic enrolment upon registration or renewal of administrative licences, with the objective of expanding coverage.

► Box 2. Progressive extension of coverage to different occupations

In Japan, Malaysia and the Republic of Korea the extension of coverage has been gradual and by occupation:

- As of May 2021, there were 13 special types of workers specified by relevant laws in the Republic of Korea.
- Malaysia's coverage has been extended to hawkers and to workers in online businesses, information technology, data processing, agriculture, fishing, farming, arts and entertainment, and the healthcare industry.
- In Japan, the self-employed workers scheme covers transportation workers (taxi drivers, truck drivers, etc.), construction workers, fishers, woodcutters, medicine delivery persons (to individuals), waste disposers and seafarers. However, there are other categories of freelancers who are not currently covered, including independent artists, animators, deliveries by bicycle (such as Uber Eats), and other so-called "freelancers" that are currently under discussion for coverage in a tripartite committee.

Two countries have special coverage features. Japan established a special enrollment system in 1965 to allow workers in certain new forms of employment to join work injury insurance. The special voluntary system covers employers who de facto work as employees (for example, small contractors where employers and employees work together at the construction site) and the self-employed (such as, self-employed construction workers). The special enrollment system is not compulsory; workers freely choose whether to join or not. However, joining and withdrawing must be approved by the prefectural labour chief. In France, enrolment of independent workers in the social security system is mandatory, except for work accidents. Platform workers are generally independent workers and are therefore usually not covered against work accidents unless they or their platform voluntarily subscribes to a scheme. However, since 2016, a self-employed person who has been working on a digital platform and who meets certain requirements can voluntarily join the national workers' compensation insurance system and the platform operator is obliged to pay the premiums incurred, and it cannot pass on the costs to the platform worker (JILPT 2020).

As said before, the policy environment is fast developing in respect specifically to EII coverage of platform workers. Japan, China, Korea, and Australia have been investigating policy options for better EII coverage of platform workers in 2020-21. Many European countries

are also exploring ways to improve their legislations. The German Federal Ministry of Labour published a White Book on the future of work in which platform work took prominence. Among the proposed plans is the improvement of EII for the self-employed working through platforms (Hauben, Kahancová, and Manoudi 2021, 54). In December 2021, the EU issued a proposed directive on improving working conditions of platform workers. This followed more than 100 court decisions and 15 administrative decisions about employment status of people working through platforms in the EU. More than 28 million people in the EU work through digital labour platforms – by 2025, their number is expected to reach 43 million. As a result of the proposed Directive, it is estimated that between 1.7 million and 4.1 million people could be re-classified as workers. Others may become genuinely self-employed as some platforms may adjust their business models.

8.2. Restrictions to coverage

In general, there are only a few countries that impose additional restrictions on self-employed workers that prevent those who are obliged or wish to contribute to EII from doing so. In the Republic of Korea, to be eligible for Workers Compensation Insurance (WCI) scheme for special types of workers, it is necessary for persons to provide online services on a regular basis and receive payment for these services and not

use someone else to provide such labour service. To be eligible for the WCI voluntary scheme, the self-employed are required to employ less than 300 workers or not employ any worker except for special types of workers defined by the relevant law. The obligation in France for platform operators to pay work accident premiums on behalf of workers is only applicable to workers earning more than €5,268 in 2019 or who have made more than 20 transactions during the previous year. In Austria, under the general scheme, self-employed are exempted from contributing if their income is less than the minimum insurance threshold of €5,527 per year. The obligation to contribute to the work accidents farmers' insurance scheme in Austria is waived if the value of the land being farmed is less than €1,500 and the cost of living is not mainly covered by the yield of the farm. In both cases workers can still opt in if they wish to (Schoukens 2021, 157).

8.3. Conditions for wage compensation for injury and occupational diseases

With some exceptions, conditions to obtain wage compensation for injury and occupational diseases are usually the same as for employees. Such is the case, for example, in Austria, Denmark, France, Germany, and Sweden. The waiting periods for work accidents are either non-existent or are limited to a few days, and generally the same for self-employed as for employees. For example, Austria, Denmark, and Germany do not have waiting periods. That is also what pertains in Malaysia. Under the PERKESO scheme for self-employed, EII coverage starts from the date and time the contribution is paid and recognized on the contribution payment receipt. Compensation does not require waiting periods other than the time needed to process the claim. In Sweden there is a one day waiting period, but if the insured meets the requirements for compensation, they can also be compensated for the waiting day.

In a few countries, there is an obligation for the employer to continue to pay wages for a period after the injury. In other words, the social insurance only takes over the reimbursement after that period. In Germany the employer is responsible for payment of wages for up to six weeks after an injury. Similarly, in Quebec, the EII scheme requires employers to directly compensate their workers for the first 14 days of injury and the CNESST reimburses the employer. This administrative mechanism reduces the delay for workers to receive payments after the injury, as payment authorization through the CNESST may take

more than two weeks. However, in the case of the self-employed, the CNESST pays the benefits from the first day, though the time between injury and receipt of the first payment depends upon the fluidity of the claims process.

Self-employed usually enjoy the same conditions as wage workers in regard to the determination of occupational diseases later in life. In Sweden, if a worker contracts a disease after they have terminated employment but it is deemed an occupational disease, the work injury insurance still applies before the workers reaches the age of 65. Definitions of "work premises" and "normal working hours" are usually present in EII regulations for employees, but may pose a problem for platform workers. In Quebec, an injury that happens at the workplace while the worker is doing their job is presumed to be an employment injury. Workers need only to fill a declaration form (claim form) explaining the occurrence. There are no special provisions for a circumstance where platform workers are not in the middle of delivering services or are on-call.

8.4. Benefit packages

A holistic definition. For CNESST in Quebec, an "employment injury" is an injury or a disease arising out of or during an industrial accident or an occupational disease, including a recurrence, relapse or aggravation, and include events occurring during commuting periods.

Comprehensive cover. Malaysia's self-employed social security scheme under the Self-Employment Social Security Act provides a comprehensive package of benefits: Medical Benefit, Temporary Disablement Benefit, Permanent Disablement Benefit, Constant Attendance Allowance, Dependants' Benefit, Funeral Benefit and Rehabilitation.

A multi-tier system. In Sweden, compensation under statutory EII covers loss of work income; dental care costs; costs of medical treatment, including abroad; sickness cash benefit in special cases; costs of special aids; and for survivors and funeral costs. Complementary insurance provides a broader package of covered expenses, including for medical care, medicines, physiotherapy, damaged clothing and glasses.

Short-term income replacement benefits, same as for employees. In Japan, the Republic of Korea, Spain, Sweden and Quebec, Canada – and similar to other countries such as Germany, Hungary and Italy – income replacement benefits for the self-employed have the

same rules as for regular employees. For example, in the Republic of Korea, if workers are eligible for EII benefits, they can receive temporary disability benefits corresponding to 70 per cent of their daily average earnings during their time off from work to receive inpatient or outpatient medical treatments (for at least four days). In Canada, the law provides for a minimum income replacement indemnity equal to the hourly minimum wage multiplied by the normal work week (40 hours).⁹ The maximum income replacement indemnity will be based on the maximum insurable earnings.¹⁰

Workers earning more will be covered for that maximum amount. In France, since 2018, the (special) Independent Workers Social Security Scheme has begun to gradually merge with that of subordinate workers and benefits are becoming more uniform.

Mental health. Non-economic losses – such as pain, suffering and psychosocial losses – are not always included in benefit packages for injuries and occupational diseases. However, Japan, Sweden and Quebec, Canada consider neurological and cardiovascular ailments and mental illnesses due to psychological strain to be work-related illnesses (Japan, Ministry of Health, Labour and Welfare, Labour Standards Bureau, Industrial Accident Compensation Department 2014, 9–10). Japan's revised Industrial Accident Compensation Insurance Act in March 2020 included the total working hours across multiple jobs in assessing work-related burdens (JILPT 2020).

Commuting. Like Canada, Malaysia also **covers events that occur while travelling for the purpose of their self-employment activity.** But for traffic accidents that occur during the commuting period, it can be difficult to ascertain if it is actually commuting to work or already work. The Republic of Korea's COMWEL has determined that transportation business owners, taxi drivers and delivery service drivers may be excluded from benefits when it comes to a commuting accident if they have their own garage for business vehicles at their home.

Long-term periodic cash benefits. In Canada, Japan, Malaysia, and the Republic of Korea as well as in all European countries where there is EII coverage of the self-employed, there is a disability pension for workers who suffer from a permanent disability – either physical or mental – following recovery from work-related injuries or diseases that causes a permanent reduction in the person's ability to earn an income through work. In general, the self-employed are entitled to

periodic benefits, including long-term periodic benefits depending on their degree of disability. In Sweden, the largest compensation paid out from statutory work injury insurance is in the form of individual life annuities.

Income payment base. In the Republic of Korea, temporary disability benefits for self-employed are calculated based on the income level the worker chooses when they apply for the scheme. In Japan the cash payment is mainly based on the personal payment base, and the level of benefits depends on the payment level. In Canada, the self-employed are also compensated based on their declared income. In Italy, the pay considered for the calculation of benefits is the annual income, which must correspond to at least 14 times the guaranteed minimum monthly income.

Multiple jobs. In France, independent farmers who are also wage earners under the general scheme (for example, they develop a second activity in the rural economy) have to pay contributions to each of the schemes to which they belong, but only one of them makes payments (the scheme for the work being carried out when the accident occurs). In Spain, those combining self-employment with paid employment as an employee may receive benefits depending on the activity being performed when the accident occurred. In Japan, in principle, aggregation of earnings was not permitted in the calculation of industrial accident compensation insurance (basic daily benefit amount) for workers who perform secondary or multiple jobs (multiple-job workers), but the March 2020 revision of the Industrial Accident Compensation Insurance Act introduced legislative measures to permit it (article 8(3) of the revised Act).

Medical benefits. Canada has universal health coverage providing full coverage for hospitalization services and medical care that is funded by taxes and does not require specific contributions. Hospital drugs are covered by a compulsory public/private system with co-payments and deductibles. In Quebec, the hospital and medical care services provided by the universal coverage to an injured worker are fully reimbursed by the CNESST to the public system. The employment injury scheme provides a comprehensive medical care package covering all required services not covered by the universal health coverage. In the Republic of Korea, medical benefits are the same for employees and self-employed. The country has adopted a “mixed system” that combines the “list

9 Equivalent to 27,400 Canadian dollars in 2021.

10 Equivalent to 83,500 Canadian dollars in 2021.

system” and the “general definition system” when it comes to recognition of occupational diseases entitling workers to compensation benefits. In the past, workers had to prove a significant relationship between their work and the disease in order to be approved as having an occupational disease. However, in reality, it was difficult for workers to prove this relation or the occupational origin of the disease. To alleviate the burden of proof placed on workers, in 2018 the Republic of Korea introduced a presumptive provision in the employment injury insurance Act. With this provision, any disease can be accepted as occupational disease if it meets diagnostic criteria and there is a casual relationship between work and this disease. As a result, this has allowed the EII scheme to enhance protection of workers. In Malaysia, there is a “list system”. Occupational diseases are specified in the Fifth Schedule of the Employees’ Social Security Act 1969.

Timeliness of medical compensation. In the Republic of Korea, the self-employed and wage workers can receive EII benefits only after their conditions are officially confirmed as work-related injuries or diseases. Since the acknowledgment of EII benefits generally requires some time, injured people are allowed to receive required medical care services as part of National Health Insurance (NHI) coverage before their eligibility for the EII benefits are confirmed; differences between the NHI and EII coverage will later be settled between the National Health Insurance Service (NHIS) and the Korea Workers’ Compensation and Welfare Service (COMWEL). In addition, although medical benefits are paid only after ascertainment of a compensable event, if their conditions are recognized as industrial injuries or occupational diseases, the EII scheme reimburses them for the costs for the full

medical treatment.

Rehabilitation. In Japan, Malaysia, the Republic of Korea, Spain and Quebec, Canada, self-employed workers enjoy medical rehabilitation benefits that are the same as those enjoyed by employees. In Quebec if, as a result of an employment injury, a worker is unable to return to the job they performed at the time of injury, the law provides for the right to rehabilitation, including vocational rehabilitation, and the CNESST, in consultation with the worker, will prepare a personal rehabilitation programme. Salary replacement benefits are payable while the worker is involved in that programme, and full benefits may be payable up to 12 months after the worker becomes able to perform “suitable employment”. Malaysia’s Return to Work programme was introduced in 2007. This rehabilitation programme uses a systematic case management methodology to assist insured persons who suffer from disablement or invalidity to return to work.

Rehabilitation centres. Malaysia’s Social Security Rehabilitation Centres aim at restoring insured members’ capacity to meet the needs of work. PERKESO has contracted a number of health professionals and service providers to offer these rehabilitation services, including the development of rehabilitation plans (which is usually done by medical professionals), physical rehabilitation, vocational and occupational rehabilitation, prosthetic/orthotic providers and many others. PERKESO’s Education Loan Benefit provides loans or scholarships to dependent children of insured persons. The applicant must be a dependent child of an insured person who has died because of an employment injury or due to an unspecified cause before the age of 55 years and who meets the eligibility requirements of being a survivor.



Complementary support. Platform workers may be protected by social security legislation while still failing to be protected by complementary legislation. In Malaysia for example, it was reported that platform workers are not protected under other complementary legislation or regulations that would support the overall well-being of the workers in employment (such as the Occupational Safety and Health Act, Minimum Wage Act, etc.). Without Occupational Safety and Health Act coverage, prevention activities directed towards platform workers are limited to PERKESO's prevention campaign efforts only.

8.5. Employment injury insurance contributions

Contribution base

In the Republic of Korea, special types of workers can choose one of the income levels prescribed by the Ministry of Employment and Labour for various occupations. Similarly, in Malaysia four income categories were established with a minimum required contribution under the lowest plan. In Spain, self-employed persons are similarly entitled to freely decide, within certain limits, their contribution base. As a result of the current system, around 85 percent of the self-employed in Spain opt for the legal minimum base. This reduces their future benefit levels, as these are proportional to their declared income. A new scheme is being considered to pay contributions based on real income, rather than a fixed monthly amount. This change has been a demand of leading freelancer associations (Gómez and Pérez 2020). The self-employed would choose their contribution base according to their estimated revenue. They could alter this up to six times a year. In the event of a mismatch between contributions and real revenue at the end of the year, contributors would either make an additional payment or request a refund.

Portugal also used to base self-employment contributions on several income scales. Since 2018, the income base for contributions is determined by the Social Security Agency based on the values declared quarterly by the self-employed, and the values declared for the purpose of tax. The Tax Administration communicates to Social Security Agency, electronically, the income declared by the self-employed. In Sweden and Italy, the contributions are based on reported earned income. In the former, the administration directly obtains information from the Swedish Companies Registration Office or the Swedish Tax Agency. In the latter, there is a minimum contribution level. If the earnings are below that minimum, the latter

reference earning is taken into consideration. Quebec has a mixed approach. The personally insured person is covered by the amount they declare; however, the person needs to be able to prove anytime that they actually earned that amount. They can provide tax returns or a copy of their last contract to prove their income level. There are minimum and maximum yearly insurable earnings. Workers who earn more will be covered for that maximum amount. In Malaysia, PERKESO is exploring changes in contribution collection from income declaration to collections from transacted tasks (micro-work). A similar model exists in China, in commercial private insurance for platform workers. DiDi, a e-hailing taxi platform, provides commercial accidental injury insurance for their workers through deductions from the charges of online orders.

Contribution rates

In the Republic of Korea, the contribution rates for the EII scheme vary depending on the type of business. They are prescribed by an ordinance of the Ministry of Employment and Labour based on the ratio of the total industrial accident compensation insurance benefits to the total remuneration for the past three years as of June 30 of each year, after considering the amount needed for EII benefits, such as annuities under the Industrial Accident Compensation Insurance Act, the costs of preventing industrial accidents and improving welfare for accident victims. EII contributions in the Republic of Korea are fully supported by the self-employed. In Canada, the self-employed also pay a premium based on their economic sector and the payment is fully borne by workers except in cases where they are deemed to be independent contractors. In Sweden, all workers contribute to a bundle of mandated insurances, and there is no possibility to choose or opt out of any of these. Employees pay 32.5 per cent in social security contributions on their gross salary, whereas the self-employed pay social contributions at a slightly reduced rate of 28.97 per cent. In Malaysia the EII contribution of 1.2 per cent is a standard for all self-employed. Considering that the demand for platform work has increased throughout the COVID-19 pandemic, Malaysia's PERKESO has worked with the Federal Government to design a matching contributions scheme under the Government's stimulus package. Platforms in Malaysia almost never contribute on behalf of platform workers. Their workers need to register individually and pay their own contributions. Moreover, platform workers have fluctuating income based on the demand for micro-work due to the nature of their work. Hence, most do not contribute consistently. The table 6 provides a comparative overview of contributions for EII for self-employed in several countries.

► Table 6. Contributions for the self-employed for EII

Countries	Contribution rates for the self employed
Japan	0.3–5.2% of declared earnings
Korea, Republic	0.7–28.1% of declared earnings or payroll.
Indonesia	1% of monthly declared earnings.
Sweden	0.2% of declared earnings
Chile	0,95% declared income + up to 3,4% declared earnings depending on the occupation
Poland	1.8% of declared earnings
Malaysia	1.2% of earnings
Bulgaria	0.4% to 1.1% of income according to assessed risk

Source: Authors, and ILO (2021a:164)

8.6. Financing

In general, the lack of information on the risk profile of the self-employed may justify the establishment of a fund separated from the general risk pool at the start of the new scheme. In Malaysia, the work-related injury insurance for self-employed workers established a separate insurance pool from the main workers' injury insurance fund. Although the social security administration is responsible for the financial governance of the two funds, this arrangement guarantees higher transparency in the financial transfers between the two schemes for the funding of benefits. In this case, however, there is cross subsidization in the administration of the fund through a shared administration and delivery platform.

Spain, on the other hand, opted to embrace social security coverage of the self-employed within the general scheme. This aimed at equalizing the labour costs across different forms of work and thus avoid disincentives to hiring employees and at stabilizing overall social security funding, which has been eroded by the spread of forms of work other than as an employee. Some countries justify the creation of separate pools because the self-employed may require different conditions, such as benefit rates and contributions adapted to their income profiles. However, in Japan and the Republic of Korea different rules apply for self-employed and employees, yet there is only one single fund. In the Republic of Korea, the Industrial Accident Compensation Insurance Act requires the Minister of Employment and Labour to establish one (single) Industrial Accident Compensation Insurance and Prevention Fund.



▶ 9

The administration of employment injury insurance for platform workers

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Employers play a pivotal role in the administration of EII for employees. They inform and train workers about their rights and EII procedures and collect and remit contributions to social security. When an accident occurs, employers set in motion established procedures to notify the injury to EII, provide rapid first aid to the injured, secure the workplace for other workers, and improve risk control (ILO 2021c). Employers record the accidents, direct employees to medical facilities and assist with procedures to support them to promptly return to work. They promote post-injury review of incidents and adopt preventive and rehabilitation measures. However, self-employed workers must execute most of the administrative tasks alone. This poses several challenges and requires adaptations for the administration of EII (ILO 2021c). The cases that follow show how EII has adapted in various countries to verify accidents when they

occur outside a fixed work environment, to enforce obligations for compulsory coverage when incomes are unstable, or to deal swiftly and cost effectively with individual workers instead of employers.

9.1. Decisions concerning the organization of employment injury insurance administration

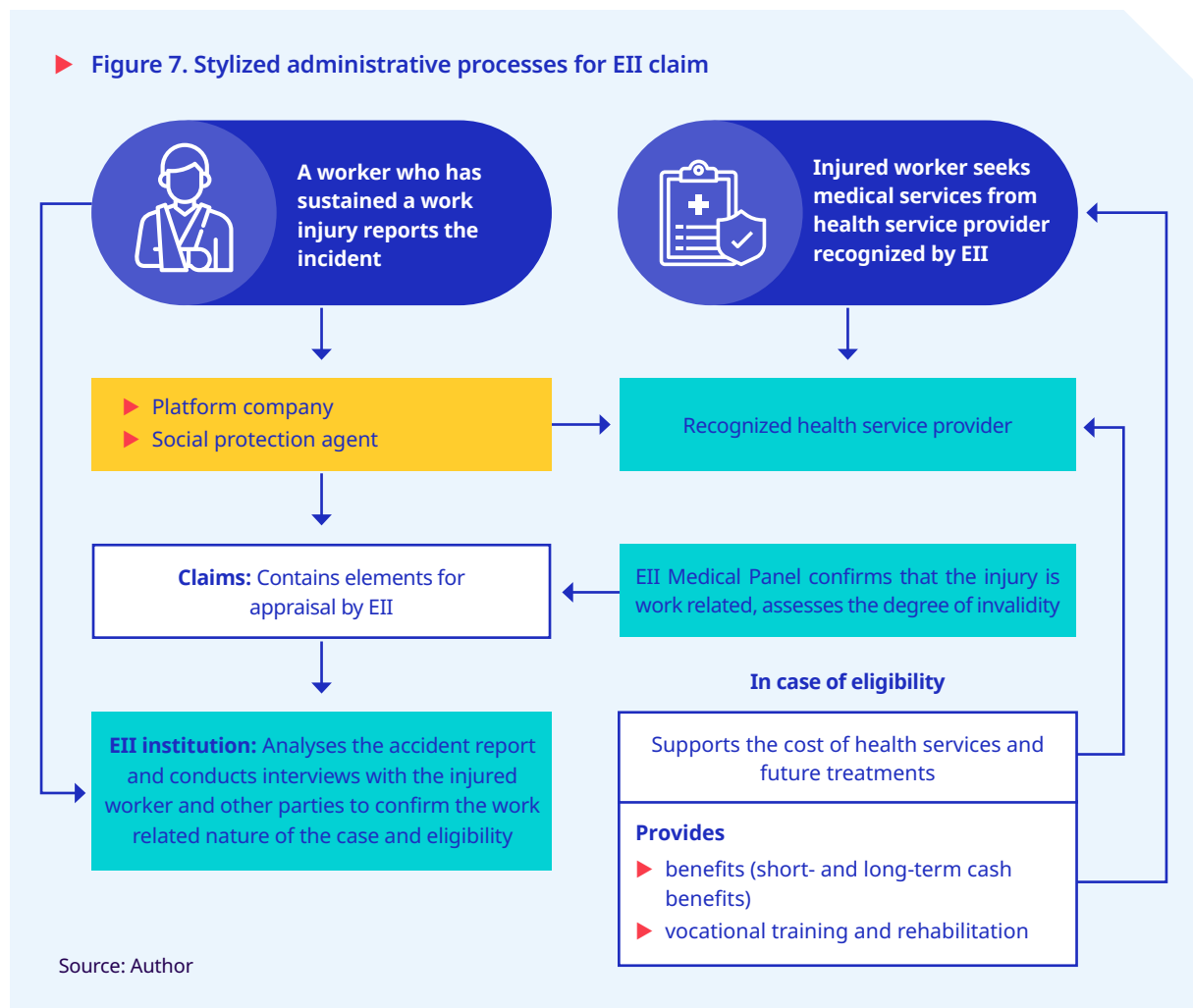
There are three levels of decisions that need to be made regarding the organization and administration of EII. The first is a decision on whether to affiliate the self-employed in the general administration managing the scheme for employees or to create an independent administration for the EII scheme for the self-employed. In all of the case studies in this report, the EII scheme for the self-employed

falls under the administration of the EII for all workers. That is also the most prevalent case in most countries worldwide, with only a limited number of exceptions (ILO 2021c). For example, in France, the self-employed social security regime (Régime Social des Indépendants, or RSI) previously managed social security for micro-entrepreneurs, traders, handicraft workers, and self-employed people under a standalone administration. In January 2020, however, the RSI was integrated into the administration of the general social security scheme. The scheme had become more difficult to manage due to several grey areas and overlaps with employee social security. The change was justified by higher administrative costs, the progressive harmonization of rules and sharing of functions between the RSI and the general scheme (such as, collection), and the complexity of ensuring the portability of benefits under two

separate administrations. The change helped self-employed workers access a wider network of offline and online services. The second and third types of decisions regarding the organisation of EII for self-employed are whether to manage a different fund under a general scheme or a different scheme under the same fund and administration. These two aspects were already discussed in the previous section under the point on financing.

The next sections discuss the adaptations of implementing a EII for self-employed. The first tasks consist in identifying workers, providing information and enrolling them, and receiving contributions. The other tasks are outlined in figure 7 below. The figure shows the typical administrative process for claiming benefits, starting at the moment a worker has sustained an injury.

► Figure 7. Stylized administrative processes for EII claim



9.2. Outreach and information

The absence of an employer to affiliate workers and communicate on EII makes it difficult for the self-employed to be aware of the possibility of being protected under EII. A good practice in this regard is the requirement in France for platforms to inform workers about their rights and duties regarding social security contributions and taxes, and to provide a direct electronic link to the government authorities involved. Through this link, workers can access targeted information about social security and tax requirements. In the Republic of Korea, a similar result is achieved via a different process. If a person wants to start a business, they must register with the National Tax Service and receive a Certificate of Business Registration. This information is then shared with social insurance agencies (COMWEL, NHIS, NPIS) who will target social insurance promotions to those workers. The use of digital technologies has greatly facilitated these data exchanges and individual targeted communications. Another example of the use of digital solutions for delivering personalized information is given by the Argentinian Superintendency of Occupational Risks. The agency developed an intelligent chatbot called “Julieta” to respond to inquiries about work injury benefits online.

The examples of Malaysia, the Republic of Korea and Sweden show that in addition to these recent developments, the delivery of information to self-employed workers continues to require an investment in face-to-face contacts. In Sweden, the Confederation of Professional Employees (TCO) organizes self-employed workers. The TCO has established guidelines for platform workers' working conditions when accepting a temporary job as self-employed contractors. The TCO also provides support to self-employed contractors by offering legal advice, assistance with social insurance procedures, and professional development to ensure that their members are treated fairly. In the Republic of Korea, COMWEL strives to increase the number of insured people by communicating as widely as possible. To that end, it uses a combination of analogue and digital channels and methods targeting the public in general, such as TV and radio advertisements, SMSs and its website. In addition, the organization has seven regional headquarters and 54 branches nationwide, and all staff provide consultations to people in need directly through person-to-person meetings and by telephone and email. In addition, it authorizes Insurance Business Agencies (IBAs)

to promote the registration of social insurance. IBAs are corporations established by special laws to provide support in registration and the handling of social insurance administrative processes across the country. They require at a minimum a certified public labour attorney and a tax accountant. IBAs provide the services to businesses with fewer than 30 workers for free. There are as many as 5,000 IBAs nationwide. In Malaysia, PERKESO also relies on a network of private organizations to extend its outreach. PERKESO has signed agreements with industry apex institutions such as regulators and workers' associations to promote the Self-employed Social Security Scheme. With each registration, the so-called social protection agents can earn 5 per cent of the contribution as an incentive to continue extending coverage. Leveraging on their network in industry, PERKESO can reach out to platform workers at the community grassroots level.

9.3. Identification and enrolment

In Japan, current procedures do not allow for individual enrolments in social security. The self-employed need to enroll through a collective entity that facilitates the registration of independent workers. Special applicants must first fill in the “Special Entry Application Form (for self-employed persons)”, which specifies the scope of the business, their historic experience and payment base information. The applicant then requests an organized entity to apply by submitting the application on the worker's behalf to the Labour Bureau via the Labour Standards Inspection Office. This is of course a limitation for registration of independent self-employed workers that is under review.

At the CNESST in Quebec, Canada, individual registrations can be done offline or fully online, in which case the procedure is guided by an automated, user-friendly interface. In Malaysia, PERKESO uses an online system that allows users to register, check their contribution status, pay for contributions and access information about worker protection. In the Republic of Korea, as noted above, IBAs ease the burden of self-employed administrative work in regard to social insurance. The scope of IBAs include registration, termination and change of insurance relationships; conveying information on insured income and premiums; supporting the management of eligibility; and other business concerning insurance

that the self-employed must report to a local labour office or COMWEL. In Sweden, there is a special arrangement for platform workers. So-called umbrella companies are private entities that facilitate the handling of administrative tax and social security payments on behalf of platform workers for the duration of their assignments in exchange for a fee.

However, umbrella companies are not employers. Therefore, platform workers tend to be excluded from complementary insurance that is only available at reduced cost through industrywide collective agreements. Individual workers can voluntarily secure complementary coverage, but they are at a disadvantage compared to other workers who are automatically covered.

9.4. Induction education and training

The education and training of workers about laws, regulations and occupational risks has traditionally been done through employers. Induction and follow-up training provides workers with knowledge of their rights and responsibilities for their health and safety in terms of the equipment, tools and risks in their work environment, as well as the procedures and steps to follow in case of an injury and the need to access first aid, medical assistance and wage compensation.

Even when considered self-employed, platform workers are often supervised by team leaders. The first person in the hierarchical line should be the first to know how to respond to workers' medical emergency, treatment and compensation issues, and therefore training should target all immediate supervisors in platform companies as well as all workers. The Health and Safety Executive (HSE) in the United Kingdom has noted that contractors and self-employed people working for companies are often not familiar with their working environment or with the safety systems that are available for regular employees, and recommended that they receive specific training (United Kingdom, HSE 2012). An example of this approach is the guidance produced by the BBC for their producers and independent workers (BBC, n.d.).

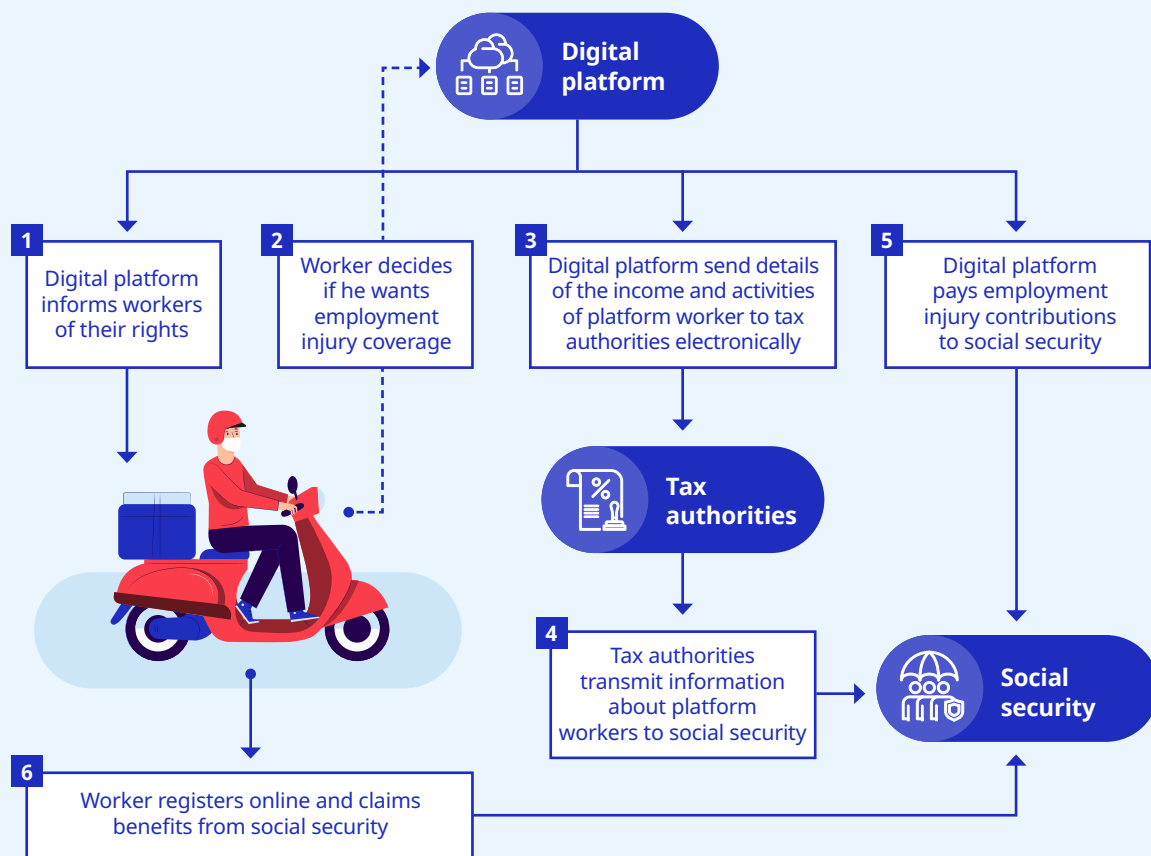
The ILO has recommended that regulators contemplate mandatory training programmes integrated in mobile platforms with the aim of conducting and documenting risk assessments at their respective workplaces (Samant 2019). Many companies use a combination of traditional and online tools and training, made available through mobile smartphone applications, to make them more accessible and affordable to a wide audience of scattered users. As an example, the HSE produced a risk assessment for freelancers in the music industry that is available online (Musicians' Union, n.d.). The Canadian Centre for Occupational Health and Safety offers a variety of e-learning courses, including on accident investigation, mental health and return to work. These courses can be viewed on tablets and smartphones (ILO 2019a, 21).

9.5. Payment of contributions

In Malaysia, EII contributions can be paid monthly or yearly on-site (offline) or through online internet banking. The Swedish Social Insurance Agency also allows annual payments and periodic installments. In the Republic of Korea, insured self-employed can also pay monthly contributions online. In all of these cases the individual directly remits their contribution to EII. In all three countries, as discussed above, certain designated organizations can also serve as intermediaries.

There are three additional types of special practices worth mentioning. In Uruguay and Indonesia, social security organizations have made agreements with platform companies to facilitate contributions by retaining the contributions at the source. In Indonesia, the social security institution, BPJS Ketenagakerjaan, partnered with the on-demand platform Gojek. The partner drivers are required to register online through a special website. Every month a contribution is automatically withdrawn from their Gojek account balance to cover the work accident guarantee (JKK) and death insurance (JKM) (ISSA 2019, 9). Since 2019, platforms operators in France are required to disclose detailed information on the income of their workers (above certain thresholds) to the revenue authorities once a year. This information is forwarded to the social security agencies (ACCOS). Where a platform worker opts for occupation injury insurance, the contributions are paid by the platform. Platforms failing to comply with this reporting obligation face a penalty of 5 per cent of the non-declared income.

► Figure 8. Process for platform workers to pay EII contributions and receive benefits in France



Source: Compiled by the author.

In Chile, social security deducts 10 per cent of the gross amount of each electronic invoice and directs it to a social security fund for the self-employed (in this case for pensions). Overpayment or underpayment of contributions is taken into consideration at the end of the year when the self-employed person files their tax returns (including business expenses) (Freudenberg and Schulz-Weidner 2020). Again, digital technologies are essential to be able to process seamlessly the data exchange for these individual transactions. The table 4 on page 21 describes how digital technologies have facilitated most core business processes in EII and social insurance in general.

9.6. Reporting incidents

For a self-employed person working on another person's premises, it is often the responsibility of the person in charge of the premises to report incidents of a work-related nature to the health and safety and

EII authorities. The responsibilities of the person who provides the tasks may be extended to work-related incidents in case of homework. In most other cases, in the Republic of Korea, Japan, Malaysia, or Canada, it falls on the self-employed to report the incident, or in case of disease, the responsibility falls on a medical doctor.

Injuries by self-employed workers are consistently underreported across different economic sectors, particularly for low-wage workers who are unaware of EII or who may feel vulnerable to retaliation from platform operators (Dworsky and Broten 2018, 16). Workers may feel afraid to be shut off from platforms if they report incidents or otherwise become discriminated against in some way (OECD 2020: 7). This being the case, legal assurance and non-retaliation policies are needed to protect workers who make claims. For example, platform operators could be required to communicate the reason for account deactivation to the worker (OECD 2020, 11).

The internet of things offers opportunities for more rapid and automated notification of accidents. The internet of things refers to objects with embedded electronics that can transfer data over a network without human interaction. It relies on artificial intelligence linked sensor technology. For example, after a traffic accident, customers typically contact EII to initiate claims. If instead, cars or smartphones alerted an intermediary or EII to an accident as it occurred, emergency services could be dispatched.

9.7. Investigation of incidents

The investigation of incidents aims to identify the root causes and to determine the steps to take to prevent new injuries. It involves the analysis of physical (accident environment), verbal (testimonies) and written information (risk assessments). In the case of the self-employed, the responsibility falls on workers themselves and a report may also be required to be filed with the competent authorities. The self-employed can be assisted by trade unions, professional organizations or business support agencies in these processes. As noted above, in Malaysia, social protection agents receive a commission for their support work from the social insurance company. In Sweden and the Republic of Korea, support agencies work for a fee. In the Republic of Korea, they may also provide free services to small businesses.

9.8. Claims for employment injury insurance benefits

EII claims need to be executed promptly. The self-employed and small- and medium-sized enterprise employers often lack the administrative ability to apply in order to claim benefits. The application forms and the processes to submit these forms need to be adapted to self-employed working situations. In the Republic of Korea, almost all the documents can be filed online by the self-employed. An authorized person other than the self-employed – for example, a family member – can access the online system on behalf of the injured individual and submit the claims. Alternatively, their medical provider does it with prior consent from the injured worker or self-employed.

If a worker does not file a report within a set timeframe, they may lose the right to receive workers' compensation benefits. Normally employers regularly follow up with workers to ensure that all their questions are being answered and that they are receiving appropriate care, but that is not available for the self-

employed. Social insurance may have to take a greater role in individual case management. For example, at in the Republic of Korea, when workers are hospitalized due to work-related accidents, COMWEL staff can visit them and provide explanations and necessary information to the injured workers. Getting employees back to work in an appropriate job will minimize the chances of long-term or permanent disability claims and help the employee return to a normal life.

9.9. Medical ascertainment and disability level determination

The next step is verification by the local labour and social security authorities that the diagnosed injury/illness is work-related and whether the claim is ultimately compensable (an "ascertainment investigation"). Often administrative staff are represented in verification authorities, as are employee representatives, but the self-employed and their working conditions are seldom represented in these committees. In Quebec, Canada, all the administrative processing is done by the CNESST in collaboration with independent medical doctors in the province. The CNESST is bound by the opinion of professional doctors in accordance with their field of competence regarding their diagnosis, the foreseeable period of recovery, the need for care and the duration of treatment administered. Periodic medical reports are prescribed by the CNESST to evaluate the injured worker's capacity to perform work.

An area that is difficult to fathom for self-employed workers is how to determine whether injuries or disease are work-related when they work mostly outside of confined and controlled environments. To reduce the burden related to this activity, the CNESST in Quebec has a presumption of work-related injury based on the worker's declaration. A simple explanation is required from the self-employed. However, the payment of benefits is subject to strict requirements around doctors monitoring the situation. For traffic accidents that occur during the commuting period, it can be difficult to ascertain if whether the incident actually took place while commuting to work or not. For that reason, in Japan, some special enrollees are not protected from commuting accidents, including private taxi operators and private freight forwarders. In the Republic of Korea, transportation business owners, taxi drivers and delivery service drivers do not enjoy benefits related to accidents during commuting if they have their own garage for business vehicles at their home.

In cases of occupational disease, it is generally incumbent on the self-employed or the organization that supports the handling of the workers' case to keep records of the worker's employment and income history, the names of major clients, and the economic sector and geographic areas of work, especially the history of contact with harmful or dangerous substances or operations. In the Republic of Korea, there are special requirements for compensation in case of contact with certain chemicals. If the self-employed who apply for the voluntary EII scheme engage with dust, vibration, lead or organic solvents during work, they must receive a special medical check-up and submit its result according to the relevant regulations. The costs for the special medical check are paid by COMWEL.

9.10. Case management

Case managers from employing companies or from the EII should be able to direct workers to emergency and medical care facilities in the event that there are facilities that are contracted by or have special agreements with the EII agency. Case managers need to provide adequate information to workers to ensure that medical bills are sent to the appropriate place for payment. Ideally, they would follow-up as part of a continuum of care in case there needs to be different types of treatment. The case manager therefore plays an important role in the continuum of care, as shown in the mini-case study below. He or she looks at all aspects of the worker's file including medical, vocational, psychosocial and situational factors that can affect the rehabilitation of the injured worker. Assigning case managers to work on EII cases is an additional expense for the EII and/or platform companies. However, their involvement tends to

benefit injured workers by streamlining the process for faster, more complete access to care, improved care quality and better recovery outcomes. The case in box 3 depicts the type of services that are equally available for employees and self-employed through the Ontario, Canada, Workplace Safety and Insurance Board.

Case management workload is normally concentrated in the most complex cases. At the Workers Compensation Board of Quebec, fifteen agents take care of injured workers when they first make a claim. They continue to manage the cases of injured workers without risk of long-term disability (about 60 per cent of the total number of cases). Other cases are referred to the customized service (two return-to-work teams). A first team comprises six agents who manage cases with high probability of a return to work (about 20 per cent of cases). The second team of forty agents manages cases with lower probability of return to work (compensation agent, rehabilitation advisor) (ILO 2021c:40).

Besides the examples from Quebec, Canada, a good illustration is the case of Malaysia's rehabilitation programme. Each insured person who is referred to the programme is assigned to a case manager who is actively involved throughout the return-to-work process (Amsharija Binti Mohamed 2015; Zahra Binti Abdul Malek 2018). The case manager performs a variety of tasks to ensure a consistent and systematic management of the rehabilitation process and to ensure that the injured worker returns to work. These tasks include an initial assessment of the individuals' needs, followed by recommendations regarding workplace modifications or provision of specialized medical treatments. Modifications at the workplace include adjustments in job scope, tasks, working

► **Box 3. Return to work: Lance's story, WSIB Ontario, Canada**

The Workplace Safety and Insurance Board (WSIB) in Ontario, Canada, collected successful stories of returning to work that demonstrate that EII schemes help workers not only restore people's productive capacity but also their sense of self-worth and dignity. An example is the story of Lance, a construction worker. The holistic support provided to him by the WSIB helped him overcome low odds to be fully reintegrated into the same company. To make this possible, the WSIB deployed a holistic package of benefits and services accompanied by an integrated case management approach. The package encompassed financial assistance; case management; assistive equipment; medical, nursing, socio-psychological and physical rehabilitation support; and the collaboration of the WSIB with his workplace to help the worker transition to a new managerial role. In case of a self-employed, specific vocational rehabilitation may be necessary, to reflect the fields and practices of self-employed businesses.

Source: Canada, Government of Ontario, WSIB, n.d.

hours and/or of workplace. If Malaysia's Return to Work programme participants are unable to return to work, they are entitled to receive assistance in job matching and placement, including new skills development and vocational training that are required for new occupations. Participants also receive a rehabilitation allowance to encourage medical rehabilitation session attendance.

9.11. Complaints, appeals and redress

Social security institutions need to make it easy and inexpensive for platform workers to complain and to appeal in case they are dissatisfied with a decision by the social security agency. In the Republic of Korea, any person who is dissatisfied with a decision made by COMWEL may file a request for an examination of their file. This must be filed through a branch office within 90 days after the worker is informed of the decision. When the request is filed, an examination committee deliberates. The committee is composed of relevant experts and must be established in COMWEL. If the person is again dissatisfied with the decision on a request for examination, they may file a request for reexamination with a reexamination committee, which must be established in the Ministry of Employment and Labour.

Without going through all the processes mentioned before, the person may instead bring the case to the court directly. At COMWEL, injured workers can get administrative support from branch offices and they can use administrative and legal services provided by public or private labour attorneys. Legal

representation and court hearing fees need to be low, because even small fees can prevent platform workers from making appeals (OECD 2021, 7). In Western Australia, a system for arbitration and settlements has been available online since June 2020 (Australia, Government of Western Australia, WorkCoverWA 2020).

In Quebec, Canada, all decisions of the CNESST adjudicators are subject to internal review and to an external appeal board, the Tribunal Administratif du Travail, which will hold a public hearing. Both the worker and the employer have the right to appeal any CNESST decision. In Malaysia, the Social Security Appeal Board is the employee insurance dispute settlement agency and comprises representatives from both employers and employees. A separate body – the Social Security Court of the Self-employed Insurance – is in charge of dispute settlements related to the self-employed scheme.

9.12. Prevention

Encouragement of safety is a central objective of workers' compensation (Dworsky and Broten 2018). Social security institutions are responsible for compensation in cases of occupational accidents and diseases, and in some cases for the rehabilitation of injured workers. They therefore have an interest in contributing to a safe and healthy workforce and to promote prevention (ILO 2021:8). For platform workers, trade unions, government departments and social insurance agencies have a stronger role to play in employment injury prevention (OECD 2019). In Belgium, trade unions hand out helmets



and lights to food delivery riders; while in Spain, the National Institute for Safety, Health and Well-being at Work ran a campaign to improve road safety for platform workers. In Quebec, Canada, the Commission of Standards, Equity and Safety and Health at Work produces advertisements that are broadcasted on television and social networks to raise awareness on the importance of employment injury prevention. In Malaysia, PERKESO regularly develops awareness campaigns concerning occupational safety and health (OSH) and a healthy lifestyle (ILO 2016). The Government of New South Wales, Australia (2020, 26), conducted a consultation on possibilities for improving OSH for platform workers. Practical proposals included the idea to facilitate mentor schemes or buddy systems for delivery people to familiarize workers about new locations in order to reduce stress and risks. Digital technologies also offer possibilities for prevention, such as integrating requirements of OSH regulations into the algorithms of the digital platforms. For example, requirements for mandatory safety training at registration, embedding working-time regulations in the platform software, automated OSH messaging, and vehicle-based driver fatigue assessing technologies (Samant 2019). There has also been an increase in use of gaming technologies in prevention education (ILO 2019b).

9.13. Inspection

The ILO Labour Administration Convention, 1978 (No. 150), indicates that labour administration should include all categories of workers who are not employed persons. Inspection is an important element of labour administration. In the province of Quebec, Canada, the Standards, Equity, Health and Safety Committee (CNESST) makes active efforts to avoid the misclassification of workers into false self-employment status. It assesses whether a self-employed individual should be considered a worker (as per article 9 of Act Respecting Industrial Accidents and Occupational Diseases) by examining a set of criteria: compensation earned, the bond of subordination, ownership of tools and equipment, the possibility of profit and the risk of financial loss, integration into the company. If found to be effectively a worker, the employer (or main client) will have to register the self-employed person as a worker on a compulsory basis, even if the worker does not have a labour contract.

A noticeable feature of online labour platforms is that all transactions are digital and traceable (OECD 2019). This raises the potential for increasing social protection compliance. For example, requirements for data sharing between tax authorities and social security administrations strengthen transparency around income and the contribution basis of platform workers. Data sharing between platforms could facilitate the control of total working time, which is important to appraise workers' workloads and infer subordination and dependency on platform companies. Moreover, Big data, CCTV and real-time video can facilitate inspections in public spaces.



▶ 10

Conclusion

The protection of platform workers and other workers in new forms of employment against work accidents and diseases has become a policy priority in the European Union and in many other regions in 2020–21. The sense of urgency around this issue has increased in the context of the COVID-19 pandemic because digital platform workers in the transport and delivery sectors have continued to work but lack protection in the event of work accidents or diseases. In addition, digital platform employment has become a vital source of income for an increasing number of workers.

A new generation of policies and laws are seeking to provide legal assurance in regard to labour protection and employment injury insurance for workers in digital platform employment, especially in car hailing and e-delivery industries, by classifying these workers as *de facto* employees (De Stefano et al 2021). In the same vein, the European Commission issued in December 2021 a proposed directive that establishes criteria to assist EU member countries to determine the employment status of people working via digital labour platforms as a basis for securing these workers'

labour and social security rights. Under the proposed legislation, a digital labour platform has the right to contest or “rebut” the classification based on certain control measures, with the burden of proving that there is no employment relationship resting with the platform. The primacy of facts in determining the employment relationship is a precept established under ILO Recommendation No. 198. Paragraph 12 of this Recommendation proposes that countries clearly define the conditions under law for determining the existence of an employment relationship. The establishment of such criteria and their application under national laws will prevent the misclassification of workers as “self-employed” and will ensure the protection of more categories of workers in digital platform employment under employment injury benefits schemes.

The study showcased efforts to extend EII to workers in digital platform employment when they are not classified as employees. ILO standards and EU communications have recommended that as part of efforts to extend social protection, EII legislation and

policy should be reviewed across all work categories to ensure the equitable treatment of all workers. Most countries are trying to avoid the fragmentation of social security regulations applicable to different categories of workers. In most cases, they adhere to the principles of inclusion and equitable treatment, and are instead proceeding carefully by regulating specific new occupations under comprehensive social security systems. In most cases, the level of protection provided is very similar to social security coverage for employees, albeit with some adaptations to the

administrative modalities in order to incorporate them. The case studies in this publication show the opportunities provided by some forms of cooperation with private agents in the implementation of EII, but also point out the risks of implementing EII entirely or primarily through for-profit schemes. This report has shown that the increased use of digital technologies facilitates the administrative feasibility of covering workers in all forms of employment under public EII schemes.



▶ 11

Country case studies

This section provides a review of the regulations of the employment injury schemes for workers in non-standard forms of employment and the self-employed, as well as their applicability to platform workers in the Republic of Korea, Japan, Malaysia, Canada, Sweden and Spain.

COMWEL – Workers’ Compensation and Welfare Service, Republic of Korea

The Korea Workers’ Compensation and Welfare Service (COMWEL) was established to contribute to the protection of workers by compensating for work-related accidents; installing and operating insurance facilities to promote injured workers’ rehabilitation and return-to-society; and implementing services to prevent work-related accidents and enhance workers’

welfare. The Workers Compensation Insurance (WCI) scheme covers workplaces with more than one worker regardless of type of employment as well as all construction workplaces on a mandatory basis. The WCI is implemented by COMWEL and entrusted by the Ministry of Employment and Labour in the Republic of Korea. Workers covered by the scheme are those who are included within the definition of the term “worker” as stated in Labour Standards Act, 2012. Small business owners and special types of workers such as golf caddies and courier workers have not been protected from the Labour Standards Act despite the fact that their working conditions are similar to those of other workers defined by the law. In order to address this problem, the WCI Act and WCI Enforcement Decree have included special articles specifically aimed at some of those workers who used to be situated in grey areas of the traditional WCI scheme.

WCI for small and medium business employers

Eligibility

Small and medium business employers are very similar to workers in terms of their economic status and activities. Nonetheless, they are not entitled to any WCI benefits in the event of industrial accidents. As a result, the **WCI voluntary scheme** was introduced in order to protect the self-employed and provide them with social security ensured by relevant laws or regulations. To be eligible for the WCI voluntary scheme, the self-employed are required to employ fewer than 300 workers or not employ any workers.

How to calculate premiums

The premiums for the self-employed are calculated by multiplying the income announced by the Minister of Employment and Labour by the contribution rate that is applicable to the business. The self-employed who want to apply for the voluntary scheme can choose one of the income levels shown in table 7 below.

► **Table 7. Standard income for the premiums and benefits for the self-employed in the Republic of Korea, 2021 (Korean won)**

level	Standard income per month	Average income per day
1	2 092 800	69 760
2	2 519 430	83 981
3	2 946 060	98 202
4	3 372 690	112 423
5	3 799 320	126 644
6	4 225 950	140 865
7	4 652 580	155 086
8	5 079 210	169 307
9	5 505 840	183 528
10	5 932 470	197 749
11	6 359 100	211 970
12	6 785 730	226 191

Note: US\$1 = 1,118 Korean won

The decision on a benefit claim

The WCI voluntary scheme is subjected to the same rules and types of benefits as the mandatory scheme for wage workers when it comes to making a decision on a claim for benefits. However, for self-employed under this scheme special factors may be considered when assessing commuting accidents. The amount of benefits will be decided upon the standard income people select when they join the voluntary scheme, which is the same standard income used for determining the premiums.

WCI for special types of workers

Eligibility

Special types of workers in the Republic of Korea's WCI scheme have features of both a worker and the self-employed. They conduct their work without the supervision of the company while at the same time working in other ways that are similar to a worker. Due to their ambiguous status, special classes of workers were excluded from the traditional WCI coverage. Therefore, in order to protect these special types of workers, the Republic of Korea introduced the **WCI scheme for special types of workers** in July 2018, starting with four special types of workers. Thereafter, it gradually extended its coverage to more special types of workers. As of 2019, nine special types of workers are included in the scheme. These categories are shown in table 8.

To be eligible for the WCI scheme for special types of workers, it is necessary for persons to meet all the following requirements:

1. They provide online labour service on a regular basis and receive payment for the service.
2. They must not use someone else to provide such labour service.

However, unlike the workers defined by the Labour Standards Act, special types of workers **can apply for exclusion** if they do not want to join the WCI scheme.

How to calculate premiums

The premiums for these special types of workers are calculated by multiplying the monthly income level announced by the Minister of Employment and Labour by the contribution rate that is applicable to the business (depending on the economic sector) – see table 8. The premiums are equally borne by the person in a special type of employment and their employer.

► Table 8. Standard income and contribution rates for the premiums and benefits for the self-employed in the Republic of Korea, 2021 (Korean won)

Special types of workers	Announced Monthly income	Average income per day	Contribution Rates
Insurance solicitors mostly engaging in a life insurance company	2 623 000	87 433	7 / 1000
Insurance solicitors mostly engaging in a non-life insurance company and others	2 183 000	72 766	7 / 1000
Owner-drivers of concrete mixer trucks	2 254 040	75 134	37 / 1000
Learning-aid tutors	1 016 300	56 133	9 / 1000
Golf caddies	2 454 540	81 818	7 / 1000
Door-to-door couriers engaged in collection or delivery in courier services	2 200 000	73 333	19 / 1000
Door-to-door couriers entrusted from mainly one quick service provider	1 454 000	48 466	19 / 1000
Loan solicitors who have a trust contract with financial institutions	1 944 000	64 800	7 / 1000
Loan solicitors who have a direct contract with a corporation engaged in loan brokerage	2 638 000	87 933	7 / 1000
Credit card solicitors	1 756 000	58 533	7 / 1000
Persons engaging in a designated driving service entrusted by mostly one designated driver	1 750 000	58 333	19 / 1000
Door-to-door salespersons	1 597 500	53 250	9 / 1000
Door-to-door Rental Equipment Examiners	1 392 000	46 400	9 / 1000
Electrical and Electronic Home Appliance Fitters and Repairers	2 932 000	97 733	9 / 1000
Cargo truck drivers	4 310 000	143 667	19 / 1000

Note: US\$1 = 1,118 Korean won
Source: COMWELL 2021

The definition of each special type of worker above is stated in relevant laws and regulations, such as the Insurance Business Act, the Construction Machinery Management Act, the Trucking Transport Business Act, etc.

Making a decision on a benefit claim

The special types of workers are subjected to the same rules and types of benefits as wage workers in the mandatory scheme when it comes to making a decision on a claim for benefit. The amount of benefits will be decided based upon the standard income for the particular special type of worker, as shown in the table 8 above.

Administration

The Republic of Korea's online Social Insurance Information System¹¹ facilitates electronic registration, submission of e-certificates and submission of claims, which greatly facilitates customer service and managing workers engaged in special business types.

The main administrative challenge pertains to the reporting of income of workers in special categories, notably business owners. These workers face an increased administrative workload due to volatile incomes. There is scope to reduce the administrative burden, for example, by connecting social insurance systems with income tax reporting systems.

EII for platform workers (from January 2022)

The rise of platform labour has brought new challenges to the Republic of Korea. First, not all platform workers are considered special-type workers, as there are some specific standards that some platform workers cannot meet. The Work Injury Compensation Insurance Law has “exclusive” requirements for special-type workers: special-type workers mainly need to provide labour necessary for the operation of an enterprise and obtain remuneration from the enterprise. At present, the Republic of Korea is tightening the exemption conditions for special-type worker injury insurance on the one hand, and on the other hand, it is also studying the issue of participation of platform workers who cannot meet the specific criteria and therefore cannot apply for work injury insurance. The lack of dependency on an employer means that platform workers tend to be misclassified as self-employed, and are therefore not classified as special-type workers in terms of contract terms or employment contracts (S.Y. Lee et al., 2021). To address this matter, a new regulation is being prepared. It will cover courier service workers, food delivery service workers and designated drivers. It is envisaged that the insured periods be calculated the following ways: the number of services the worker undertook from the platform per day and the income earned by the worker through the platform per day will be aggregated on a monthly basis. Platform business operators who collect platform workers' labour service and income information are responsible for obligations under Employment Insurance Act (for example, reporting on the insured and withholding of insurance premiums, etc.).

Conclusion

Although special-type workers can apply for work injury insurance, the actual participation rate is low. As of May 2020, only 16.84 per cent of the total 503,306 eligible special-type workers registered to secure industrial accident insurance, and 83.16 per cent (or 418,546 people) voluntarily applied for exclusion (S. Lee 2021). The main reasons can be as follows: First, companies worry that after participating in work-related injury insurance, the scope of protection of special-type workers' rights and interests may further expand in the future, and labour law may be applied. Secondly, special employees may worry that if they are required to participate in work injury insurance, it will affect their ongoing contractual relationship with the company. In addition, workers have to bear half the monthly industrial injury insurance premium.

Japan's industrial accident compensation insurance

Policy dialogue

In Japan, the legal protection of workers in “different work styles” became a mid-to-long-term target in the Government's Action Plan for the Realization of Work Style Reform in March 2017. The Ministry of Health, Labour and Welfare, through the Committee on Basic Labour Policy of the Labour Policy Council (an advisory panel to the Ministry), produced a report in September 2018 stating that “due to the growing adoption of employment-like working styles, labour administration must address the measures to cover a broader range of diverse working persons, rather than focusing exclusively on the conventional definition of workers under the Labour Standards Act” (as cited in Kamata 2020, 4). This indicated the Ministry's intention to consider the diverse nature of employment-like working styles by studying the necessary scope of eligibility for protection, the differences by industry or job type, and the issues that require administrative intervention. The Ministry published a preliminary review of its findings in June 2019.

Legal classification of workers

In Japan, judicial precedents and labour administration treat “subordination to and dependence on an employer” (*shiyō jūzoku kankei*) in employment relationship as the essential condition for fulfilling

11 For more, see: <https://www.4insure.or.kr/index.jsp>.

the concept of a “worker”. Courts have therefore adopted some key factors to prevent misclassification of workers into false self-employment, based on the Labour Act. These include:

- i. the freedom to accept or refuse a work request;
- ii. the extent to which orders are given regarding the content of the work and how it is carried out;
- iii. whether the work is carried out within specific working hours or at a workplace specified by an employer;
- iv. whether the service provider can be freely replaced with another person; and
- v. the methods of calculating and paying remuneration.

Additionally, the following factors are referred to in reinforcing decisions:

- i. whether the person is qualified as a business trader in terms of equipment or tools for the work, and whether they pay expenses;
- ii. exclusivity with a certain client; and
- iii. whether work rules or fringe benefits are applied to.

A combination of several factors is therefore usually taken into consideration (Kamata 2020).

Current design of the industrial Injury Insurance scheme

Coverage

At the initial stage of the establishment of the Japanese Industrial Injury Insurance System, only employees under the Labour Standards Law were protected. The Workmen's Accident Compensation Insurance System is applied compulsorily to all workers who are employed in enterprises to which the Labour Standards Law is applied and receive wages. They include those regularly or temporarily employed, daily-wage workers, and both full-time and part-time workers, irrespective of the size of the enterprise (ILO 2011). Non-employed business owners, self-employed workers, family business operators and other workers were not covered by industrial injury insurance. Considering that these workers may also be at risk of injury during business or commuting, but cannot be covered by social insurance, Japan established a special enrollment system in 1965 to allow these workers to gain work-related injury insurance coverage.

The special enrollment system is not compulsory. Workers can freely choose whether to join or not. However, joining and withdrawing must be approved by the prefectural labour chief (Kamata 2020; Japan, Ministry of Health, Labour and Welfare, Workers' Compensation Bureau, n.d.). The special voluntary system covers employers who de-facto work as employees (for example, small contractors where employers and employees work together at the construction site) and the self-employed. As for self-employed workers, the system covers transportation workers (taxi drivers, truck drivers, etc.), construction workers, fishers, woodcutters, medicine deliveries (to individuals), waste disposers and seafarers.

Extension of injury insurance scheme for platform workers

Following discussions in a national tripartite committee during 2020 and beginning of 2021, the special insurance programme, initially limited to certain occupations such as private taxi drivers and self-employed construction workers, has been extended in 2021 to additional freelancers, including independent artists, animators, bicycle delivery workers and information technology engineers delivery workers (for example, Uber Eats), and other “freelancers” who get injured or fall sick while working in a similar manner to salaried employees. Under the new regulations, freelancers will be covered by labor-related laws if they are deemed to have an employer–employee relationship with a contracting company, including if they are effectively working under the direction and supervision of a company (Kyodo News 2020; Japan, METI 2021; Yomiuri Shimbun 2021).

Contributions

Self-employed workers can select one of 16 income brackets on which to contribute. The work injury insurance rates applied to these income brackets are specified in national regulations and depend on the type of industry. There are no special rates for self-employed or special entrant workers compared to ordinary employees in those industries.

Benefits

Special entrants receive the same benefits policy as general employees. In-kind treatments such as medical rehabilitation are also consistent with what employees receive. The cash payment is mainly based on the personal payment base, the benefits levels are the same, and the level of treatment depends on the payment level. Unlike other countries, where non-

economic losses (such as pain, suffering, psychosocial losses) are rarely compensated, in Japan (like in Quebec, Canada) neurological and cardiovascular ailments and mental illnesses due to psychological strain have traditionally been considered work-related illnesses (Ordinance for Enforcement of the Labour Standards Act, appended table 1-2, Items 8 and 9), and with regard to recognition of these illnesses, Japan's legal system can be considered unique, in that quantitative work-related burden indicators, such as the number of overtime hours, play an important role as administrative recognition criteria. The revision of the Industrial Accident Compensation Insurance Act in March 2020 introduced legislative measures for recognizing work-related accidents (multiple job-related accidents) by calculating the total work-related burdens on workers with multiple jobs (article 7(1)(2) of the revised Act) (JILPT 2020).

Administration

Enrollment procedures

Current procedures do not allow individual enrolment. The self-employed need to enroll in group insurance, which facilitates the registration and the coverage of independent workers. Special applicants must first fill in the "Special Entry Application Form (for self-employed persons)", which must specify specific business content, business experience, and payment base information, and entrust the "Special Joint Group" to apply and submit the application to the Labour Bureau via the Labour Standards Inspection Office on the self-employed worker's behalf.

Identification of work-related injuries

The scope of Japan's work injury insurance certification includes business injuries and commuting injuries. Business injuries and business content must be closely related. There are special regulations on the identification of work-related injuries for different types of special enrollees. Some special entrants are not protected from commuting disasters, such as private taxi operators and private freight forwarders.

Conclusion

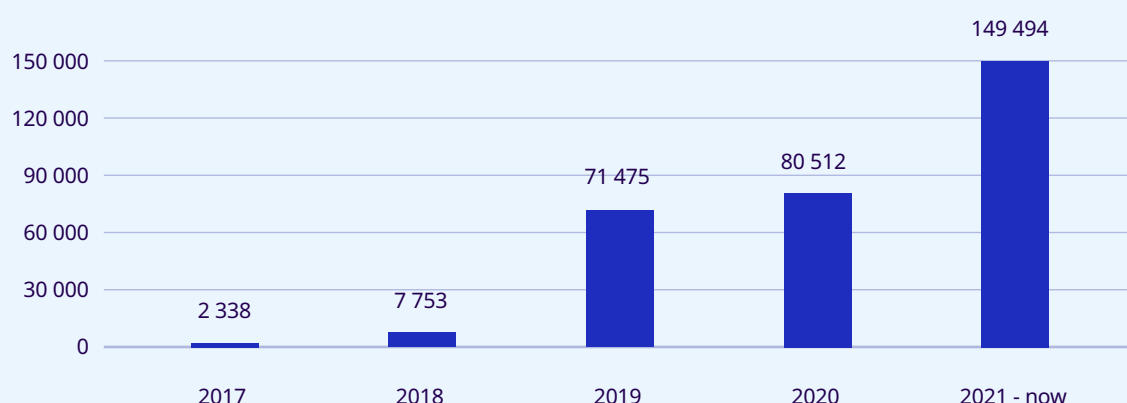
National survey results in 2017 indicated that there is interest in Japan on improving the compensation for industrial accidents among persons engaged as performers, transportation services workers and freelancers (Kamata 2020). Among the challenges to implement workmen compensation for these categories of workers are the ways to determine the amounts of insurance premiums and the establishment of a special enrollment organization, because those who wish to enroll in this insurance must belong to a special organization. Current procedures still do not allow individual enrolment. Consultations are underway to devise policy options.

PERKESO's employment injury scheme, Malaysia

Coverage extended to platform workers

Before June 2017, the self-employed were not protected for employment injury in Malaysia because of the lack of an employer–employee relationship. However, PERKESO, the national social security organization, and the Ministry of Human Resources recognized the dramatic increase of self-employment in Malaysia. In 2018, there were 2.86 million own-account workers out of a total of 14.8 million working adults (Schaper 2020). To address this situation, the Self-Employment Social Security Act 2017 was passed on 1 June 2017. In the beginning, the scheme under the Act was compulsory for the self-employed in the passenger transportation sector, which includes taxi, e-hailing and bus drivers. Following a successful pilot of the scheme, the protection was extended to practically all self-employed on a voluntary basis by covering the other 19 economic sectors from 1 January 2020. The coverage includes hawkers, accommodation premises, online business, information technology, data processing, agriculture, fishing, farming, arts, entertainment, healthcare, etc. In Malaysia, registered self-employed make up about 5 per cent of all self-employed and 18.63 per cent of all platform workers. From just 2,338 workers in 2017, PERKESO now covers 149,494 total self-employed, including 54 per cent of platform/gig workers.

► **Figure 9. Number of active workers enrolled in the PERKESO Self-employed Social Security Scheme, 2017–21**



Source: PERKESO 2021, as of 1 June 2021.

Registration

To promote coverage of workers, PERKESO is exploring automatic enrolment upon registration or renewal of administrative licences.

Contributions

The contribution rate is set at 1.25 per cent of the insured income plan, which is available in four categories: 1,050 ringgit, 1,550 ringgit, 2,950 ringgit, and 3,950 ringgit. The minimum required contribution under the lowest plan is as low as US\$0.44 per day.

Matched contributions for platform workers

Platforms in Malaysia almost never contribute on behalf of platform workers. These workers cover their own contributions. Moreover, platform workers have fluctuating incomes based on demand for micro-work due to the nature of their work. Hence, most do not

contribute consistently. Considering that demand for platform work has increased throughout the COVID-19 pandemic, PERKESO worked with the Federal Government to design a matching contributions scheme under the Governments' stimulus package, which are as follows in table 9.

While workers move in and out of the scheme, the matching contribution successfully registered 90,457 workers under the scheme. In keeping up with the nature of platform work, PERKESO is exploring potentially changing contribution collections from income declaration to collections from transacted tasks (micro-work).

Qualification

The coverage for the self-employed starts from the date and time the contribution is paid and recognized on the contribution payment receipt.

► **Table 9. Overview of Malaysia's matching contributions scheme, as of 1 June 2021**

No.	Initiatives	Target group	Total contributors	Total subsidies (ringgit)
1.	PenjanaGig	Gig workers	11 111	1 811 093
2.	SPS Lindung	Delivery riders	78 611	18 316 121
3.	Skim Prihatin Wanita (SPW)	Women entrepreneurs and self-employed women	735	119 805

Source: PERKESO 2021, as of 1 June 2021.

Benefits

The Self-employed Social Security Scheme under the Self-Employment Social Security Act provides protection for self-employed insured persons against employment injuries, including occupational diseases and accidents during work-related activities. In the Malaysian context, a coverable personal injury to a self-employed insured person is one caused by an accident or an occupational disease arising out of and in the course of their self-employment activity, including while travelling for the purpose of their self-employment activity. Occupational disease is defined as a disease caused by or arising from any occupation specified in the Fifth Schedule of the Employees' Social Security Act 1969.

The Self-employed Social Security Scheme provides the following benefits:

- Medical Benefit;
- Temporary Disablement Benefit;
- Permanent Disablement Benefit;
- Constant Attendance Allowance;
- Dependants' Benefit;
- Funeral Benefit;
- Education Benefit; and
- Facilities for physical or vocational rehabilitation

However, there are significant challenges in delivering adequate benefits to platform workers. For example, platform workers are not protected under other complementary legislation or regulations that would support the overall well-being of workers in employment (such as, the Employment Act, the Occupational Safety and Health Act, the Minimum Wage Act, etc.). Without Occupational Safety and Health Act coverage, prevention activities directed towards platform workers are limited only to PERKESO's prevention campaign efforts only.

Financing

Work-related injury insurance fund for self-employed people is a separate independent funding pool from the main workers' injury insurance fund.

Administration

PERKESO uses an online system that allows users to register, check their contribution status, pay for contributions, and access information about worker's protection. Payments can be done monthly or yearly through on-site cash or online payment via internet banking.

PERKESO has developed innovative approaches to ensure expansion of coverage. For example, industry apex institutions, such as regulators or workers associations, are identified as Social Protection Agents to promote the Self-employed Social Security Scheme.

With each registration, the corporate agents can earn 5 per cent of the contribution as an incentive to continue extending coverage. Leveraging their network in industry, PERKESO can reach out to platform workers at the community/grassroots level.

► Leaflet on PERKESO self-employed social security scheme



Source: PERKESO website 2021

Unfortunately, in the case of platform workers there is no centralized database. There are sometimes duplicated data across various platforms like Grab and Foodpanda. Some platform workers are also not identifiable because they work for international platforms (Facebook or YouTube), where data is less accessible.

Appeals and litigation

The Social Security Appeal Board is the employee insurance dispute settlement body and comprises representatives from both employers and employees. A separate body – the Social Security Court of the Self-employed Insurance – is in charge of dispute settlement for the self-employed scheme.

Conclusion

An important feature of the Malaysian system is that, in terms of coverage, there is no distinction between emerging employment groups (such as platform employees) and traditional flexible employees. As long as they are self-employed in a specific industry, the same rules apply. To meet the needs of insured persons of different income levels and to increase the affordability of the insurance, different payment bases have been set up. PERKESO promotes collaborations with industry leaders to educate and extend protection at the grassroots level. It invests in technology to keep up with sophisticated digital platform workers. The organization advocates a continuous monitoring and improvement of several interdependent pieces of legislation that ultimately also have an impact on the

working conditions of workers in the platform economy (such as the Occupational Safety and Health Act and the Minimum Wage Act). See and listen to the [Experience of Malaysia](#), by Dato' Sri Dr. Mohammed Azman Bin Dato' Aziz Mohammed, Chief Executive Officer / Director General, Social Security Organization, Malaysia.

CNESST – The Standards, Equity, Health and Safety Committee of the Work Injury Compensation Board in Quebec, Canada

Introduction

Historically, self-employed workers were not covered by workers compensation legislation in Canada. However, provinces have moved to bring at least some self-employed workers within the scope of EII coverage. All provinces currently provide voluntary personal coverage for the self-employed.¹² For example, in Ontario, independent operators, sole proprietors and partners in the construction industry are deemed to be workers; while such workers in certain other industries can apply to the Ontario Workplace Safety and Insurance Board to be deemed to be covered by the law.¹³ Other provinces (such as Alberta, Quebec and Manitoba) have voluntary schemes called “Personal Coverage” that are available to the self-employed. Quebec’s Standards, Equity, Health and Safety Committee (CNESST) provides coverage under a solidarity based, no fault fund for self-employed workers, which is under the same fund and with the same benefit package offered to employees.

Classification of platform workers with regard to social insurance

There has only been one court case in one city in Quebec that required the reclassification of workers in a local delivery platform company to give them the status of regular employees. This does not apply to other cities or larger platform companies in Quebec. Pending further legal clarification of the status of platform workers, such workers can voluntarily get insurance with CNESST as self-employed workers, as per the Act Respecting Industrial Accidents and Occupational Diseases.

Legal personal EII coverage for the self-employed

Self-employed workers are not usually automatically covered in the event of a work accident or occupational disease under Quebec’s EII legislation. To be covered, they must generally apply for optional personal coverage.

However, a self-employed person may under certain circumstances be considered a worker by the CNESST even when they do not have a labour contract. In such cases, these workers can be covered by their client in the event of a work accident or occupational disease. In fact, the person for whom they perform their work is not considered a client but their employer. First, even micro enterprises who employ at least one worker and have an establishment in Quebec must register that worker on a compulsory basis. Second, CNESST makes active and systematic efforts to avoid the misclassification of workers into false self-employment status.

When there is no labour contract, the CNESST assesses whether the self-employed worker should be considered a worker (as per article 9 of the Act Respecting Industrial Accidents and Occupational Diseases) by examining the following set of criteria:

- compensation earned;
- the bond of subordination;
- ownership of tools and equipment;
- the possibility of profit and the risk of financial loss;
- integration into the company.

If found to effectively be a worker, the employer (or main client) will have to register the self-employed as a worker on a compulsory basis, even if the worker does not have a labour contract.

Insurable earnings and contributions

Unlike with employees, a personally insured person is covered by the amount they declare. However, the person needs to prove that they earned that amount. They can provide tax returns or a copy of their last contract at the moment of registration. There are minimum and maximum yearly insurable earnings set at 27,400 and 83,500 Canadian dollars, respectively, for 2021. Workers earning more will be covered for that maximum amount. Self-employed personally pay – either annually in one go or in periodic installments – a premium based on their economic sector and their insurable earnings.

12 See, for example, for Manitoba: <https://wcb.mb.ca/wcb-coverage-for-app-based-workers>.

13 Sections 12–12.2 of the Workplace Safety and Insurance Act, 1997.

Qualification for benefits

From the day of the accident, workers who were registered prior to the accident are entitled to salary replacement if the injury prevents them from doing their job. There is no waiting period. In the case of employees, the scheme requires employers to directly compensate their workers for the first 14 days of injury and the CNESST reimburses the employer. This administrative mechanism reduces the delay between injury and receipt of benefits, as payment authorization may take more than two weeks. In the case of the self-employed, the CNESST pays the benefits from the first day and the time between injury and receipt of first payment depends upon the fluidity of the claims process.

Benefits

Canada has universal health coverage that provides full coverage for hospitalization services and medical care and that is funded by taxes and does not require specific contributions. Hospital drugs are covered by a compulsory public/private system with co-payments and deductibles. In Quebec, the hospital and medical care services provided by the universal coverage to an injured worker are fully reimbursed by the CNESST to the public system. The employment injury scheme provides a comprehensive medical care package covering all required services not covered by the universal health coverage.

Registered workers and self-employed under CNESST can claim income replacement benefits that are the same as for regular employees. For CNESST, an “employment injury” is an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation. The concept includes both physical and mental health problems. An injury that happens at the workplace while the worker is doing their job is presumed to be an employment injury. Workers need only to fill a declaration form (claim form) explaining the occurrence.

The law provides for a minimum income replacement indemnity equal to the hourly minimum wage multiplied by the normal work week (40 hours). It was set at 27,400 Canadian dollars in 2021. The maximum income replacement indemnity will be based on the maximum insurable earnings, which was set at 83,500 for 2021. Workers earning more will be covered for that maximum amount. Self-employed will be compensated based on their declared income.

If, as a result of the employment injury, the worker is unable to return to the job performed at the time of injury, the law provides for the right to rehabilitation, including vocational rehabilitation, and the CNESST, in consultation with the worker, will prepare a personal rehabilitation programme. Salary replacement benefits are payable while the worker is involved in that programme, and full benefits may be payable up to 12 months after the worker becomes able to perform “suitable employment”.

Duration and periodicity

Self-employed workers are entitled to periodic benefits, including long-term annuities, just like employees. The benefits received depend on their degree of disability.

Administration

No private insurers are involved in workers’ compensation in any Canadian province. All of the administrative processing is done by CNESST in collaboration with independent medical doctors in the province of Quebec. Registration can be done online guided by an automated interface. Claims can also be done online via CNESST digital platform.

CNESST is bound by the opinion of professional doctors in accordance with their field of competence regarding their diagnosis, the foreseeable period of recovery, the need for care and the duration of treatment administered. Periodic medical reports are prescribed by CNESST to evaluate the worker’s capacity to perform work.

Appeals

All decisions of the CNESST adjudicators are subject to internal review and to an external appeal board (the Tribunal Administratif du Travail), which holds a public hearing. Both the worker and the employer have the right to appeal any CNESST decision.

Conclusion

COVID-19 exposed the vulnerabilities faced by gig workers in the transport, food delivery and courier sectors as they continued to provide the flow of goods and services needed. As a result, the Government of Canada, through its Employment and Social Development Department, embarked on a nationwide consultation in the first semester of 2021, to improve the labour conditions of workers in the platform economy (Canada, Employment and Social Development Canada 2021; n.d.). The invitation was extended to gig workers to share

their views (Lam and Phung 2021). Submissions by associations and collectives of workers indicated that self-employment in the gig economy is linked to high levels of precarity, anxiety, burnout and the inability to plan for life decisions such as buying a home. For some workers, especially the youngest, gig work becomes a new normal with excessive work hours at multiple precarious jobs. The policy responses for occupational health and safety protection therefore need to be placed in a broader context of labour law reforms, including discussions on working hours and rest, the right to disconnect, and information and consultation, among others.¹⁴ [See and listen to the Experience of Canada, by Etienne Vaillancourt, Insurance contribution and coverage advisor, Committee on Standards, Equity, Occupational Health and Safety, Quebec, Canada.](#)

Social Insurance Agency, Sweden

Introduction

Employment injury insurance is mandatory in Sweden for all workers, including the self-employed. For a long time, the aim in Sweden has been to construct statutory regulations that give traditional employees and the genuinely self-employed similar social protection. The aim of the Swedish legislator is to create parity in the social security system between all workers under different business models.

Classification of platform workers

The concepts of employee and employer are not defined in the same way in social security legislation as they are in labour law. There is a close connection between the concepts in social security legislation and tax law, but the concepts in labour law are different. In the social security regulations, an employee is defined as someone who has an income from employment, not as someone with a labour contract.

The Swedish Social Insurance Agency and labour unions make proactive efforts to ensure that there is no misclassification of workers as self-employed or individual contractors/operators.

However, the classification of platform workers is not fully defined. Many platform workers are assignment workers; that is, they work without being formally employed, but have no firm registered with the Business Authority. In Sweden, platform companies

and workers sometimes use umbrella companies as middlemen. There have been difficulties in deciding whether the umbrella company workers are to be considered employees or solo self-employed. While workers are normally classified as self-employed in relation to social security, the use of umbrella support companies as labour intermediaries makes the distinction more difficult, as they may not fit into either of the insured categories (that is, employees and the self-employed).

Coverage

Work injury compensation is intended to provide financial security in the event of reduced work capacity as a result of an accident at work or harmful effects of work. Everyone in paid employment (employees, self-employed, some students, etc.) is insured by the legislated work injury compensation scheme. Insurance against occupational injury covers the self-employed, defined as those operating a company as a simple partnership (*enskild firma*), trading partnership (*handels-bolag*) or limited partnership (*kommanditbolag*), but also assignment workers (*tillfälliga uppdragstagare*).

The Swedish Social Insurance Agency administers the work injury compensation and survivors benefits, and the Swedish Pensions Agency administers funeral costs. Self-employed can access additional insurance coverage on a voluntary basis through the federal collective agreement insurance – Work Injury Insurance (TFA) – an important supplement to the mandatory occupational injury insurance. The TFA is also a “no-fault” insurance, which means that remuneration is paid regardless of whether anyone is to blame for the injury.

Insurable earnings and contributions

In Sweden, there is little difference in social security expenses between hiring a self-employed person or having an employee do the work. The calculation of the benefits in employment injury, sickness and parental benefits are based on expected income. The principle is of more difficult application when workers do not have a steady income. For platform workers, in particular, it creates problems, since the system is not designed to handle many small incomes from many different principals. In this case, the calculation of pensions and unemployment benefits is based on the already reported earned income. The

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14 See the conclusions of the 2019 [Report of the Expert Panel on Modern Federal Labour Standards](#) (Canada, Employment and Social Development Canada 2019).

administration obtains directly information from the Swedish Companies Registration Office or the Swedish Tax Agency. This might suit platform workers with irregular incomes better.

The social security system is mainly financed through mandatory employer contributions. These employer contributions are also paid personally by the self-employed to the same amount. They encompass all the mandatory insurances, and there is no possibility to choose or opt out of any. Employees pay 32.5 per cent in social security contributions on gross salary in 2017, as follows:

- pension insurance – 10.21 per cent;
- health insurance – 4.35 per cent;
- unemployment insurance – 2.64 per cent;
- surviving dependants' pension insurance – 0.7 per cent;
- parenthood insurance – 2.6 per cent;
- workplace accident insurance – 0.2 per cent;
- general salary tax – 10.72 per cent.

Self-employed paid social contributions at a slightly reduced rate: 28.97 per cent.

Benefits

Compensation under statutory social insurance covers loss of work income; dental care costs; costs of medical treatment, including abroad; sickness cash benefit in special cases; costs of special aids; and for survivors and funeral costs. The largest compensation paid out from statutory work injury insurance is in the form of individual life annuities. This form of compensation is paid if an injury that has been classified as a work injury leads to a permanent reduction in a person's ability to earn an income through work. If a worker contracts an occupational disease after they have terminated employment but before reaching 65 years, work injury insurance may still apply. Complementary insurance provides a broader package of covered expenses, including medical care, medicines, physiotherapy, damage done to clothing, glasses and psychological harm involving pain and suffering.

Administration

The Swedish Confederation of Professional Employees (TCO) organizes self-employed workers and has established guidelines for what to demand in terms of wages and other material conditions when accepting a temporary job as self-employed contractor. The TCO also provides support to self-employed contractors beyond collective bargaining, by offering legal advice, income insurance, professional development and billing or invoice services, to ensure that their members are treated fairly.

Some countries have developed dedicated schemes for the administration of social security contributions for platform workers. In Sweden, gig workers tend to register with an umbrella company, a private entity that facilitates handling of administrative tax and social security payments on behalf of the gig worker for the duration of the assignments in exchange for a fee. Thanks to this procedure, gig workers are covered by the basic public social protection system. However, they tend to be excluded from complementary insurance that constitutes an important component of Sweden's social security. Although individual workers can adhere voluntarily to complementary coverage, they are at a disadvantage compared to other workers who are automatically covered through industrywide collective agreements. Although platform workers may be working through umbrella companies, these do not have such a collective agreement in place, and therefore gig workers must rely on more expensive private insurance. As a result, gig workers receive less adequate employment injury insurance coverage.

In addition, the umbrella company does not act as an employer. The worker has full autonomy in deciding their assignments and is not provided work and does not contribute to social security in between assignments. This can result in some disadvantages. For example, the self-employed may not be eligible for employment injury benefits between two assignments.

Conclusion

Sweden has a two-tier system of protection against employment injuries comprising a basic mandatory system and a complementary voluntary system with a wider list of covered events and better compensation. The self-employed, like any other workers, are mandatorily covered by the basic employment injury insurance. As a result, self-employed workers in Sweden report the highest level of social security coverage in Europe for employment injury. However, they do not enjoy the complementary social insurance that provides more adequate protection to most other workers. Platform workers may also not be continuously protected between assignments. Sweden's legislature investigated in 2019 the possibility of improving the protection in the social security system with a focus on the collaborative economy and platform workers. This investigation has not resulted in any concrete suggestions for improvements (Westregård 2019, 215). [Experience of Sweden, by Kristoffer Lundberg, Deputy Director, Ministry Health and Social Affairs, Sweden](#)

Labour classification of platform workers and their social security coverage in Spain

Classification of platform workers

The prevalence of platform work has risen in Spain from 12 per cent in 2017 to 18 per cent in 2018.¹⁵ The legal labour status of workers in digital platform employment is evolving and has become fragmented according to work time and occupation. First, the category of “economically dependent self-employed workers” established certain rights for workers who perform economic activities personally, directly and predominantly for one single client from whom they receive at least 75 per cent of their income and who do not employ staff or subcontract their services to a third party. Household workers also enjoy a special status and cannot be contracted as self-employed. When their services are intermediated by digital platforms, the question arises as to whether household workers are employed by the intermediating platform or by the clients (households).¹⁶ In a few isolated cases, the Inspectorate of Labour and Social Security has taken legal action against platform companies on the grounds of misclassification, leading – when deemed appropriate – to the identification of the individual entity obliged to pay social security contributions. Finally, the country recently introduced special legislation for delivery platforms of any product, excluding household services and transportation platforms, whereby workers in such industries are assumed (unless proven otherwise) to be employees (Royal Riders’ Law 2020).

Coverage

Coverage of self-employed for accidents at work is voluntary unless platform workers are classified as employees. EII is the only risk that is not mandatory for self-employed under Royal Decree 28/2018.

Benefits

The self-employed scheme provides the same benefits as those received by employees.

Contributions

Employees contribute according to their real income (salary), whereas self-employed persons are entitled to freely decide, within certain limits, their contribution

base. The vast majority of them, circa 85 percent, opt for the legal minimum base, harming their future benefit rights, but also social security revenues at present. Paying contributions based on real income, rather than a fixed monthly amount regardless of how much they make, has been a longstanding demand by some leading freelancer associations.

According to a new multi-tiered system of contributions for the self-employed, the workers would choose their contribution base according to their estimated revenue, and they could alter this up to six times a year. In the event of a mismatch between contributions and real revenue at the end of the year, contributors would either make an additional payment or request a refund.

Compliance

In Spain, the Plan for Decent Work 2018–2020 includes specific measures to combat bogus self-employment in digital platforms and e-commerce, and the Labour and Social Security Inspectorate and the Social Security Office are working closely to identify and reclassify bogus self-employed on digital platforms. In 2019 and 2020, nearly 30,000 workers from Uber Eats, Glovo, Amazon and Deliveroo were unilaterally reclassified as employees and it was demanded that the corresponding adjustments to social security contributions be paid by both employers and workers.

Conclusion

In the case of Spain, social dialogue has played a strong role in new regulations. Royal Decree-Law 9/2021 stipulates access of representatives of workers to the part of the algorithms used by digital platforms that could impact on labour conditions. The risk that developments in the labour market represent for underfunding social security has led to the efforts by the social security administration to actively prevent the misclassification of platform workers and affiliate them in the scope of the General Scheme of Social Security. [Listen to Experience of Spain](#), by Noel Rodríguez García, Technical Advisor, General Under-Directorate for Regulatory Management, General Directorate of Labour, Ministry of Labour and Social Economy, Spain - [Process and content of Riders’ Law 2020](#).

15 As per the last two COLLEEM survey waves.

16 In the EU, platform work in certain sectors of the economy is subject to national sector regulations involving very specific rules on employment status, labour conditions and income tax. These include sectors such as domestic cleaning services, home-care services and other domestic services.

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Annex. Questionnaire for country cases

Design questions

1. Coverage

- ▶ What is the status of court litigation and jurisprudence with regard to the classification of platform workers as either wage workers or self-employed in your country?
- ▶ Are contributions to EII mandatory or voluntary in case platform workers are categorized as self-employed workers?
- ▶ Are there any restrictions for self-employed workers not to contribute to EII (ex. only certain occupations are covered, or certain occupations are excluded, or only workers above or below certain income thresholds are included, or minimum working hours are required or other)?

2. Contribution base

- ▶ How are insurable earnings determined for the self-employed? Any different/special rule for any economic sector (for example, agriculture, construction work...)?
- ▶ If it is a flat rate contribution, how much is it and how does it relate to average wages?
- ▶ Are some earnings disregarded in the payment of contributions?

3. Rates of insurance premiums/contributions

- ▶ Are there specific assessments for certain economic sectors or type of occupations by platform workers?
- ▶ Are EII contribution rates for self-employed the same rates as for wage workers?
- ▶ Are they fully supported by the self-employed?

4. Eligibility

- ▶ What are requirements for eligibility to EII medical benefits in case of self-employed workers (are there waiting periods, are they granted only after ascertainment of compensable event)?
- ▶ Are they the same as for wage workers?

- ▶ Some self-employed notably in digital platform work perform work and sustain deaths and injuries in no typical “work premise”, sometimes out of “normal working hours” (they may not be defined as they are often only defined when there is a labour contract): does that pose a problem in social security law?
- ▶ Is there any provision that excludes protection of self-employed during waiting times or breaks when they are not delivering services or on-call?
- ▶ Some self-employed platform delivery workers commute to the central of distribution or to a place to meet with head of delivery or go directly to their delivery from home. Traffic accidents that occur during this commuting period can be difficult to ascertain if it is actual commuting to work or already work. How does your country treat this problem?

5. Benefits

- ▶ Are the benefits (list of diseases/accidents) the same for self-employed as for wage workers?
- ▶ Are medical benefits paid directly from the occurrence of the event?
- ▶ In case medical benefits are not paid directly (for example only compensated after ascertainment of a work-related disease), does social insurance reimburse the period until the payment of medical care?
- ▶ How do self-employed have medical care protection until ascertainment since employer does not exist to help with immediate medical care costs?
- ▶ Are the cash benefits payments’ duration and periodicity the same as for wage workers or are they different?
- ▶ Are there any costs normally assumed by employer (ex. wages for a reduced period) and who bears those costs for the self-employed?
- ▶ Do long term periodic cash benefits exist for self-employed?

6. Financing

- Are there any subsidies to contributions of self-employed or platform workers?
- Are there subsidies to the fund itself?
- How is the administration funded?
- Government funding or subsidies from other funds?

Operational/administrative questions

1. Outreach and promotion

- Workers generally lack knowledge of the laws and legal concepts and are often totally ignorant of occupational diseases. Part of information is done through employers. What strategies given scattered nature of self-employed workers?

2. Registration process

- Are there any specific simplified or supported modalities to assist self-employed and platform workers to register (umbrella companies, specific app or simplified administrative methods.); are they on the basis of self-organization by workers or with support by the government?

3. Payment of contributions

- Who remits the contribution to EII when workers are self-employed? Is it the contracting society or the individual?
- Is there a legal obligation of the platforms to declare incomes of platform workers like in France?

4. Claims adjudication

- For employees claims may be generally initiated by the injured worker, the employer, or the treating physician. Where an accident occurs, the employee must normally immediately notify his or her employer and the employer must then notify the social insurance. How is this process managed in case of a self-employed?

5. Diagnosis by an official health authority

- There are usually documents to be filled by the employer, and to be remitted to the health authority. Normally the employer reports that person is unable to work and continues unable to work or can resume work. Who does this in the absence of an employer?

- In case, of an occupational disease, records of past collaboration must be held. Including the type of work performed by the worker, the operating post or time on guard, the worker's employment history or his history of contact with harmful or dangerous substances or operations. What happens in case of self-employed?

6. Verification by the local labour and social security authorities that the diagnosed injury/illness is actually work-related and whether the claim is ultimately compensable ("ascertainment investigation")

- How is this done? Is it the social insurance adjudication staff? Are there only administrative staff represented in those verification authorities or also wage worker representatives and self-employed represented in those committees?
- The employer is normally required to pay compensation to the injured worker for the day of injury and for a number of following days of disability based on a medical certificate issued by the claimant's treating physician. What about self-employed? Who pays these days for him as he is not able to work?
- Is there a rapid way to make the assessment to reduce this waiting period? Some social insurances partner with private providers (commercial industry) only for the assessment part, is that the case?
- In the investigation of work injury ascertainment, are social security forms adapted regarding for example working hours records and other information required from people self-employed?
- If an occupational diseases list serves as reference for determination, is it adapted to new work patterns and diseases of these professions
- Does occupational disease diagnosis require labour relations certification?

7. Medical bills

- Who pays for medical treatment while the assessment is being done by the social insurance body?
- Are the days out of work reimbursed by the social insurance to self-employed workers?

8. Mediation and conciliation

- In case of disputes, workers must apply for arbitration. What happens in case of mediation or appeals by the worker in case his injury is not recognized initially as occupational or he refutes the level of the assessment? Who pays for workers' wages and medical bills at this stage?
- Is there any administrative support to the worker if any administrative review is necessary? Any practical solutions to speed this process considering that no one is paying his wage until the verification is completed? In some cases, we heard that social insurance is working with commercial providers for the verification part.

9. The application for work-related injury insurance compensation must be filed.

- Are there any difficulties for self-employed?
- Any simplification or assistance provided to them?

10. Medical progress

- Employers generally assume responsibility for administrative matters with regards to medical progress reports and resumption report to social insurance. How are these tasks performed in case of self-employed?

11. Payment of the benefit

- Any new modalities of payment?
- In some cases, the employer has responsibility to continue to pay disability benefits even after departure of the employee. Does this exist in your country?

12. Other normal duties of the employer

- Normally employers perform prevention. Does social insurance take over part of that task for self-employed?
- Any particular regulations regarding support to accommodation of workplace and rehabilitation for self-employed?

13. How efficient is the scheme for self-employed?

- Does it add operating costs compared to wage workers?
- How to reduce administrative workload involved with changes in labour status, location of work and when multiple employers are involved?



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