Fairwork Ghana Ratings 2021: Labour Standards in the Platform Economy

Executive Summary

The platform economy in Ghana has grown rapidly in recent years, with companies like Uber, Bolt and Black Ride in the ride-hailing space, and Jumia Food and Glovo in the delivery subsector. Such digital labour platforms are often heralded as offering a solution to the country's persistent youth unemployment challenge, and indeed, an estimated 60,000 – 100,000 Ghanaians rely on the platform economy for their livelihoods. However, this rapid growth has also raised questions about the quality of work that these platforms provide.

As in other parts of the world, platform workers in Ghana are typically classified by platforms as 'independent contractors' (as against 'employees'), and are therefore are not covered by Ghanaian labour regulations pertaining to minimum wages, hours, working conditions, and the right to collective bargaining. Consequently, there is an urgent need to look beyond simply the *scale* of work in the platform economy, to additionally examine the *quality* of platform work.

To this end, the Fairwork project has set out to assess labour practices in the Ghanaian platform economy. Fairwork is an international research project that evaluates working conditions at digital labour platforms; it is currently working in 22 countries across 5 continents, including five African countries—Ghana, Egypt, Kenya, Tanzania, and South Africa. This first Fairwork report in Ghana is the result of a year-long collaboration between the University of Ghana Business School, the University of Oxford (UK), and the WZB Berlin Social Science Centre (Germany).

Fairwork scores digital labour platforms based on five global principles of 'fair work', that were developed through multi-stakeholder meetings at UNCTAD, the International Labour Organisation, and stakeholder meetings in Ghana, South Africa, India, and numerous other contexts. The five principles relate to Fair Pay, Fair Conditions, Fair

Contracts, Fair Management, and Fair Representation. Evidence on whether platforms comply with these five principles is collected through desk research, interviews with workers, and platform-provided evidence. The evidence is used to assign a Fairwork score out of ten to individual platforms. With a basic and an advanced point awarded for each of the five principles, a platform can earn a maximum score of ten.

The Fairwork project aims to study work conditions on platforms on an annual basis, with its scores offering an independent perspective on work conditions for policy makers, platform companies, workers, and ethically-minded consumers. In particular, it offers existing platform workers a cross-sectoral view of working conditions, and provides new entrants with a glimpse of what to expect from platform work.

This report presents the first set of Fairwork platform ratings for Ghana. Ten digital labour platforms—Black Ride, Eziban, Glovo, iFerch, Swift-Wheels, Bolt, Bolt Food, Jumia Food, Uber and Yango—were assessed on the basis of the Fairwork principles. This report provides a comparative overview and baseline on the current situation of the country's platform economy, which will be updated on a yearly basis. By raising awareness of platform workers' experiences in Ghana and elsewhere, Fairwork aims to assist workers, consumers, and regulators in building a fairer future of work in this burgeoning sector.

Key findings

- The 2021 Fairwork Scores in Ghana range from 1-7, showing the heterogeneity in the working conditions among platforms, corresponding to the policies and management practices that they have in place. Black Ride, a ride-hailing platform, tops the list of platforms studied this year, followed by Eziban, a food delivery platform. Interviews with managers on both platforms revealed that the Fairwork process had provided them with new perspectives from the workers' point of view—enabling them to reflect on their policies.
- **Fair Pay**: There was sufficient evidence that workers on nine of the ten platforms earned the minimum wage after accounting for costs (GHs12.53/day). However, this could arguably be due to the low statutory minimum wage rate, and not an

indication of fair earnings in the platform economy. There was insufficient evidence that workers on any of the ten platforms earned the living wage rate after accounting for costs (GHs 35.4/day). In other words, we were unable to evidence that workers on any of the ten platforms earned enough to meet the standard of decent living. This highlights the need for regulation and worker consultation on matters of pay.

- **Fair Conditions**: Five of the platforms were able to evidence that they took action to protect workers from risks that arise on their jobs. However, we found unsafe and dangerous working conditions to be a key, daily concern for workers (particularly in the ride-hailing sector). This is an area that platforms need to urgently and proactively address. Only one platform (Eziban) was able to demonstrate that it provided a safety net for workers.

- **Fair Contracts**: With the exception of Black Ride and Glovo, there was insufficient evidence that clear and transparent terms and conditions were made available to workers by platforms. We also found evidence of extensive subcontracting arrangements whereby platforms engaged intermediary subcontractors who in turn engaged workers—workers were often unclear who was responsible for their working conditions and for the payment of wages. Only one platform (Glovo) was able to demonstrate that it did not impose unfair contract terms onto workers.

- **Fair Management**: Five platforms were able to evidence that they provided due process for workers through a channel for workers to communicate and appeal disciplinary decisions including deactivations. Only Black Ride and Eziban were awarded the advanced point, for issuing public anti-discrimination policies, and committing to proactive measures to advance equity on their platforms.

- **Fair Representation**: With the exception of Black Ride and Eziban, platform companies fared poorly when it came to acknowledging a collective voice for workers. Black Ride was the only platform that went even further to recognise an independent collective body of workers publicly and formally.

1. Black Ride: 7
2. Eziban: 6
3. Glovo: 5
4. iFerch: 3
5. Swift-Wheels: 2
6. Bolt: 1
7. Bolt Food: 1
8. Jumia Food: 1
9. Uber: 1
10. Yango: 1

Editorial: Why Study the Platform Economy in Ghana? An Introduction to the Fairwork Project

In recent decades, the digital revolution has had a transformative effect on our world, disrupting markets, industries, behaviour, and livelihoods. One major development has been the emergence of labour-broking digital platforms, which have set in motion a dramatic transformation in the world of work, where an ever-greater share of labour processes are being intermediated by such platforms. The platform economy in Ghana has grown rapidly in recent years, with companies like Uber, Bolt, Yango, Black Ride, and Swift-Wheels in the ride-hailing space, and Jumia Food, Bolt Food, Glovo, Eziban, and iFerch in the delivery subsector. In Ghana, and other Sub-Saharan African countries that face high youth unemployment rates, such digital labour platforms are often heralded as offering a solution to the challenges of the local labour markets. We estimate that the platform economy has generated much-needed work opportunities and livelihoods for an estimated 60,000 to 100,000 Ghanaians.[1]

Sadly, not all is well. Empirical evidence increasingly reveals that Ghanaian platform workers face substantial challenges in the course of their work: their pay is often poor, not

allowing them to earn the minimum income necessary for them to meet their basic needs. Workers also report facing unsafe and dangerous working conditions, and receiving little support from platforms when they do experience accidents, robberies or other incidents. Workers also lack protections afforded to formal employees, like sick pay and unemployment benefits, and they are additionally vulnerable to arbitrary termination, often based on inequitable regimes of customer ratings, and left without recourse to a proper appeals process.

Because of these inequities, the Fairwork project has set out to assess labour practices in the Ghanaian platform economy, and to assist workers, consumers and regulators as they hold platforms to account. Fairwork is an international research project that undertakes yearly evaluations of the working conditions at digital labour platforms in over 20 countries across 5 continents. This report is the first Fairwork report in Ghana, and is the result of a collaboration between the University of Ghana Business School in Accra (where the Ghana in-country team is based), the University of Oxford (UK), and the WZB Berlin Social Science Centre (Germany). Beyond Ghana, Fairwork researchers also conduct yearly assessments of digital labour platforms in four other African countries, namely, Egypt, Kenya, Tanzania, and South Africa.

The Fairwork methodology involves assessing platforms against five core principles of fair platform work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. The first two principles concern whether workers receive a fair pay for their work and if their jobs are characterised by healthy and safe working conditions. The three others focus on whether the platform's contract with the workers is fair; whether due process is provided for workers and whether management processes are equitable; and whether platforms allow for the expression of worker voice through open worker representation. Based on empirical evidence, we award scores out of ten to each platform, where for each of the five principles, we assess whether the platform meets a basic standard of fairness (1 point) and achieves a higher standard (1 additional point).

For this report we compiled evidence pertaining to each of these principles through a combination of desk research, worker interviews in Accra, Kumasi, and Takoradi, and platform-provided evidence. This first Fairwork report for Ghana thus takes a close look at the country's growing platform economy, by systematically assessing work standards at 10 major digital labour platforms operating in Ghana. By highlighting positive developments regarding fair work standards in the Ghanaian platform economy, as well as the challenges that workers face in the course of their daily work, the scores provide an independent perspective on work conditions. In particular, this report provides platform workers with a multi-sectoral overview of working conditions, and gives new entrants a glimpse of what to expect from platform work. We are confident that this first-of-its-kind comparative overview of the platform economy in the Ghanaian context will be of great value to workers and workers' organisations, civil society, policymakers, and platform managers as they work to navigate and build a fairer future of work in this burgeoning sector.

As the Government of Ghana drives forward with its important digital transformation and inclusion agenda, we must not lose sight of the dangers posed by the unchecked expansion of the platform economy to Ghanaian workers and labour markets. The Fairwork Team at the University of Ghana Business School and University of Oxford is ready and willing to engage all stakeholders in the platform economy to ensure the creation of quality jobs and fair labour standards in the platform economy.

The Fairwork Framework

Fairwork evaluates the working conditions at digital labour platforms and ranks platforms on how well they do. Ultimately, our goal is to show that better, and fairer, jobs are possible in the platform economy.

To do this, we use five principles that digital labour platforms should comply with in order to be considered to be offering 'fair work'. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

The five Fairwork principles were developed at a number of multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Ghanaian context, we workshopped them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers in Ghana.

Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.

01 The five principles

1. Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. We assess earnings according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.

2. Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.

3. Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the platform.

4. Fair Management

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There

must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms is transparent and results in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).

5. Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.

02 Methodology Overview

Scoring platforms according to the Fairwork principles relies on a range of different data sources collected by the in-country research teams. These data include desk research, evidence submitted by the platforms and semi-structured interviews with both workers and management from each platform.

Desk research

The process starts with desk research to ascertain which platforms are currently operating in the country of study. From this list the largest and most influential platforms are selected to be part of the ranking process. If possible, more than one platform from each sector (i.e. ride-hailing or food delivery) are included to allow for comparisons within each sector. The platforms included in the ranking process are both large international ones as well as national/regional ones. Desk research also flags up any public information that could be used to score particular platforms (for instance the provision of particular services to workers, or ongoing disputes).

The desk research is also used to identify points of contact or ways to access workers. Once the list of platforms has been finalized, each platform is contacted to alert them

about their inclusion in the annual ranking study and to provide them with information about the process.

Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

The third method is interviewing platform workers directly. A sample of 6-10 workers were interviewed for each platform. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews enable the Fairwork researchers to see copies of the contracts issued to workers, and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute whether policies or practices are really in place on the platform.

Workers are approached using a range of different channels. This included circulating announcements to recruit interviewees through WhatsApp groups of platform workers and platform worker associations, ordering specific platform services, and snowballing from prior interviews. In all these strategies, workers were briefed about the interview process and the Fairwork project before requesting their consent to the interview. The interviews were conducted telephonically or in-person while observing the COVID-19 protocols of the Ministry of Health.

The interviews were semi-structured and made use of a series of questions relating to the five Fairwork principles. In order to qualify for the interviews, workers had to be over the

age of 18 and have worked with the platform for more than two months. All interviews were conducted in English, Ghanaian Pidgin English or Twi.

Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if clear evidence exists on each threshold.

03 How we score

Each of the five Fairwork principles is broken down into two points: a basic point and a more advanced point that can only be awarded if the basic point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are not—for whatever reason—able to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

Further details on the Fairwork Scoring System are in the Appendix.

Background: Overview of the Platform Economy in Ghana

Ghana's GDP annual growth rate has averaged around 6% for the last decade, declining significantly in the wake of COVID-19 related economic slowdowns.[2] Despite the historically positive growth rate, unemployment has been a persistent challenge for the country, with 12% youth unemployment and more than 50% underemployment rates in the country—where both these rates are higher than the average across Sub-Saharan African countries.[3] In this context, governments and citizens alike have looked optimistically to the platform economy as having the potential to provide much-needed work and income opportunities for young people. President Nana Akufo Addo's government has also made it a core priority to expand digital infrastructure and digital skills, which are considered essential preconditions to the successful operation of local and global platforms in Ghana.

In 2016, Uber, one of the world's largest platform companies, launched its operations in Ghana. Bolt followed shortly after in 2018, followed by Bolt Food, Glovo, and Jumia Food, as well as platforms working in the logistics sector, such as iFerch. These platform companies operate in a digital system where they match platform workers with customers, setting the price and the commission in the process. The workers on these platforms are typically hired as independent contractors rather than employees, and are therefore deprived of legal entitlements to employment benefits such as sick pay, minimum wage, and financial support if they are unable to work. These conditions have raised serious questions around fairness in the platform economy in Ghana, and have sparked multiple instances of platform workers mobilising and striking over these conditions.[4]

Despite this, there has been an uptake in citizens working in the platform economy. The challenges of navigating the public transportation system in Ghana's urban centres have made the services of platforms like Uber, Bolt, Black Ride, Swift-Wheels, and Yango, popular as a more convenient mode of transportation, with the Ghanaian middle class increasingly favouring such platforms over regular taxis and trotro (privately owned public minibuses). Additionally, platforms can be competitive in their pricing, often offering discounts to customers.

Furthermore, as has been the case in multiple countries, the COVID-19 pandemic has caused an increase in demand in the food delivery sub-sector, given the lockdowns and periods of isolation.[5] Many young 'okada' (motor taxi) riders moved over to the delivery service, joining platforms like Jumia Food, Bolt Food, and Glovo. This demand has fed hopes of job creation through the platform economy.

Job Creation and the Platform Economy

There has been a disconnect between the generally positive growth of the Ghanaian economy over the last two decades and employment generation, with an average employment-to-growth elasticity of 0.5 over that time.[6] The economy's strong performance has neither translated into job creation or improvements in employment conditions, especially for the country's growing youth population. The unemployment rate for young people (aged 15-35) stands at 12.1%, worsening during the COVID-19 pandemic.[7]

It has been estimated that by 2030, digital commerce platforms may enable livelihoods for 1.9 to 4.5 million people in Ghana, i.e., between 10-25% of the country's labour force.[8] Thus, the digital economy could theoretically play an extremely important role in combating the challenge of youth unemployment. That said, the platform economy in Ghana is under-researched, with few reliable statistics on the employment growth of the sector, or the number of workers employed. Drawing on media reports, our own desk research, interactions with the various platform workers' associations, and the interviews conducted for this report, we estimate there to be between 60,000 and 100,000 platform workers in Ghana. This is a considerable figure, in light of the significant unemployment rate in the country.

Quality of Platform Work

Although digital platforms seemingly have the potential to generate work and income opportunities for Ghanaians, the quality of work in the platform economy remains a pressing problem. The OECD captures the quality of work on three fronts; earnings

quality, labour market quality, and quality of the working environment. Earnings quality captures the extent to which the level of average earnings contributes to workers' wellbeing. Labour market security captures those aspects of economic security related to the risks of job loss and its economic costs for workers. Quality of the working environment captures non-economic aspects of jobs, including the nature and content of the work performed, working-time arrangements, and workplace relationships. These are measured as the incidence of job strain, characterised as high job demands with low job resources. Balancing these three aspects has been a challenge in Ghana as the quality of jobs is considered low, even in the public sector where the government is the employer.

The platform economy is no exception to this issue of job quality. Currently, work in the Ghanaian platform economy can be classified as being a part of the informal sector, where activities lie outside of any framework of regulation, standards and worker union agreements. Workers are classified as independent contractors rather than employees, which prevents them from enjoying the employment benefits of their counterparts in the formal sector. Across the two main subsectors, ride-hailing and delivery, our research shows that platform workers face poor pay, dangerous working conditions, unfair contract terms, poor platform management structures, and an inability to organise and bargain collectively. These clear issues of job quality are partly evidenced by the constant mobilization and strike action by platform workers in different cities across the country. [9,10,11,12]

Subcontracting Arrangements in the Platform Economy

A defining characteristic of how the platform economy in Ghana operates relates to platforms' practice of adopting subcontracting models, where platforms engage third party companies, who in turn engage platform workers as independent contractors. While two of the platforms we assessed (Eziban and iFerch) provided motorbikes for their workers, the rest required workers to use their own vehicles. The vast majority of workers we interviewed did not own their vehicles, and instead leased them from vehicle owners.

In the traditional or non-platform taxi industry, very few drivers own their vehicles outright, while the majority work as employees for vehicle owners, or engage in "work-and-pay" arrangements where they make weekly payments to the vehicle owners, with the goal of owning the vehicles within a period of two to four years.[11] Ride-hailing platforms such as Uber 'platformised' these same arrangements by allowing vehicle rental companies and individual vehicle owners to become 'fleet owners'. Few ride-hailing drivers we spoke to owned their vehicles. The majority were engaged either in "work-and-pay" arrangements or daily/weekly rental arrangements, similar to drivers in the traditional taxi sector. In both cases, we found that vehicle owners and managers demand high payments from workers, while offering little support to drivers in maintaining the vehicle. These arrangements sometimes even involve multiple levels of subcontracting such that one driver could be working for another driver, who himself is an informal fleet manager for a vehicle owner.

In the "work-and-pay" model, the vehicle owner typically multiplies the price of the vehicle by 2.5x or 3x depending on the age of the vehicle. It can take 36 months or more for the worker to make all the car payments and assume ownership of the vehicle, all the while having to bear associated costs like maintenance. Furthermore, vehicle owners can forcefully terminate this arrangement at any point without compensation, resulting in significant losses for workers.

The other common arrangement is for workers to work for the vehicle owner and make daily or weekly 'sales' to the owner. This model can involve various payment models: one type is where the driver pays a fixed amount per day/week and keeps the rest of their earnings; another type is where the driver pays the vehicle owner their daily earnings for five days, and keeps their sixth day's earnings (with one day of rest per week). A variation in this model, which is especially common in the delivery subsector, is where the worker is paid a fixed weekly income for a specific number of hours of work and a minimum earning per day. The worker's fixed income is usually less than 40% of earnings, minus the platform's commission.

Appiah[13] a worker in ride-hailing subsector, who leased a car from a vehicle owner for platform work, told us: *"I've been working from Tuesday dawn...today is Friday, and I intend to go home Sunday morning to go pick up new clothes...I have my sponge, towel, toothbrush and toothpaste in the trunk...I bathe at public washrooms and rest in the car for a few hours...this is very common with a lot of online drivers in Accra."* Appiah does not sleep at home (leaving his wife and three children) for at least five days of each week in order to earn enough to meet the terms of the vehicle owner, maintain the car, and provide for his family, while paying 25% commission on every trip to the platform. We heard many stories like Appiah's, where workers reported that they felt compelled to work for days without proper rest, even during night hours when they faced especially unsafe conditions.

These subcontracting arrangements serve to add further distance between platforms and workers, by transferring any costs and liabilities arising from work from platforms to vehicle owners, who in turn, transfer them to workers. Workers, then, end up bearing the brunt of the costs and risks, without any legal safeguards or protections. This forestalls platform accountability, and contributes to an opacity in the labour process for workers. Subcontracting arrangements, coupled with harsh conditions in the platform economy, therefore put workers in a doubly precarious situation.

Labour Organizing in Ghana's Platform Economy

Labour movements have played a key role throughout Ghana's history. From the days of the independence struggle to today, workers' associations through the Trade Union Congress (TUC) have fought for better working conditions, undertaking important functions, such as negotiating with employers on behalf of employees, policing employment contracts, leading strike actions, participating in political organizations at the national level, and engaging in public advocacy to advance workers' interests. Worker unions in Ghana have been mainly active in the formal sector, with a handful operating in the informal sector, mainly as welfare associations.

Platform workers in Ghana, being classified as independent contractors, do not have employment contracts, and largely operate in the informal sector. Like other informal

workers, platform workers face numerous barriers to organising, from the lack of an official 'employer' to address their demands, to the lack of a defined 'workplace' where they can meet with and discuss concerns with other workers. Unlike workers at a farm or factory, platform workers conduct their work via an app, and with minimal interaction with others doing the same work. This is a key challenge in the platform economy: as it causes workers to be often isolated, atomised, and placed in competition with one another, workers face barriers to connecting and creating networks of solidarity.

But many of the workers we talked to are already starting to organise. First and foremost, we found evidence of numerous worker-initiated and -run WhatsApp and Facebook groups. Interviewees have all highlighted the importance of these networks for information sharing and discussion of working conditions. We additionally also found that numerous nascent platform workers' associations have also been established in the ride-hailing sector. Nine such associations have joined forces under the banner of the National Alliance of Digital Drivers Unions Ghana (NADDU), which has been formally registered with the Registrar General and is currently working with the Trades Union Congress Ghana (TUC). Other organisations like NADDU include the Ghana Online Drivers Union (GODU), and the Takoradi Online Drivers Association. The latter association meets regularly and has organized a safety training session for ride-hailing drivers, in coordination with the regional police command. Another notable recent example of collective action was a two-day strike that ride-hail workers held in Takoradi in May 2021 to protest dangerous working conditions and low pay.[14] In the delivery sub-sector, we have not found evidence of similar workers' organisations, but workers do still form networks via informal WhatsApp groups.

Leadership from the ride-hail drivers' associations expressed that their goal is to engage in meaningful social dialogue with platform companies, in order for a safer and more rewarding platform ecosystem to be realised for Ghanaian workers. A major constraint that associations face in undertaking sustained action, and expanding their membership is a lack of adequate resources and capacity. Hence it is unsurprising that a significant proportion of the workers we interviewed were not aware of these associations, though

the majority also said they would want to join a union. In coming years, the Fairwork team will continue to support workers' associations in their quest to seek better working conditions for platform workers, and to advocate for improvements in the legal regime governing labour in the platform economy.

The Legal Context: What Makes a Worker an Employee?

Digital labour platforms benefit from a legal loophole in Ghanaian labour law, as in most jurisdictions: labour rights are limited to those workers who are classified as 'employees'. Platforms can avoid the costs and duties arising from employees' rights—minimum pay, maximum hours, paid leave, etc.—by classifying their workers as 'independent contractors'. At present, all platform workers in Ghana, without exception, are classified as independent contractors by platforms. Platforms are therefore not responsible for providing any of the benefits reserved for employees to platform workers (as stipulated in Section 10 of Act 651, that is, Ghana's Labour Act).[15] Digital platforms use this classification to circumvent entitlements that employees have under Section 9 of this act, which include, among other things, the right to work under satisfactory, safe and healthy conditions, and to form or join a trade union to bargain for better conditions. By classifying platform workers as independent contractors and denying them employee entitlements under the Labour Act, platforms are able to set their own rules of engagement and be the arbiters of any disputes with workers.

While being an independent contractor holds advantages for many people, there is growing evidence that platform workers in Ghana and elsewhere are not nearly as independent from platforms as their contractor classification suggests. Platform workers may not have fixed working hours, or a dedicated manager, but are subject to new forms of control like algorithmic management, ratings systems, penalties, and the threat of losing access to the platform (and their livelihood) arbitrarily—for instance if they get a bad rating. If workers feel they have been treated unfairly by platforms, they often have little or no option for legal redress, due to restrictive clauses in their contracts, lack of resources, or the fact that their contract with the platform is governed by the laws of a different

jurisdiction. Thus, while the platform economy may be providing much-needed jobs for Ghanaians, legal reforms are increasingly critical to ensure that these are quality jobs.

While Ghana's courts are yet to deliberate the thorny issue of platform workers' legal entitlements from platforms, this is increasingly being taken up in other jurisdictions, to different outcomes. Workers in multiple countries have attempted legal actions against platforms to claim employment benefits. In one instance, Uber drivers in South Africa were unable take a dispute with Uber to arbitration as courts decided that despite operating in the South African market, the Netherlands-based company (the party identified in drivers' contracts) fell beyond the reach of South African law.[16] In Kenya on the other hand, the High Court refused to dismiss a case brought by Uber drivers on the premise that Uber BV (Netherlands) fell outside of Kenyan law. Instead, the Court ruled that there was indeed a relationship between Uber BV (Netherlands) and Uber Kenya Limited.[17,18] This landmark ruling may pave the way for workers in Kenya to challenge global giants like Uber in their local courts, and usher in the much-needed legal reform to protect their interests.

Workers elsewhere have also successfully challenged their classification as independent contractors, and managed to prove an employment relationship with platforms. In the UK in 2021, Uber drivers won a six-year long case challenging Uber's classification of ride-hailing drivers as self-employed. The court ruled that Uber drivers are considered Limb (b) workers, a UK-specific employment classification that entitles them to certain employment rights.[19] While drivers will still not be protected from unfair dismissal or deactivation, the ruling is still a significant step forward. Similarly, the Spanish Supreme court ruled that food delivery workers should be considered employees, not self-employed workers. In both these cases, reclassification opens the door to workers demanding responsibility from platforms over their working conditions.

Under different legal regimes, different rights are imaginable for workers. Ghana needs new labour laws that are responsive to the specificities of digital labour platforms. Through this first report, and the subsequent annual reports to come, Fairwork hopes to provide a basis of research and information that the Labour Department, the Ministry of Labour and Employment and other relevant agencies in Ghana can utilise to push for the enforcement

of existing laws and enactment of appropriate new legislation to regulate labour within the platform economy.

Fairwork Scores

Score (out of 10)

1. Black Ride: 7
2. Eziban: 6
3. Glovo: 5
4. iFerch: 3
5. Swift-Wheels: 2
6. Bolt: 1
7. Bolt Food: 1
8. Jumia Food: 1
9. Uber: 1
10. Yango: 1

The breakdown of scores for individual platforms can be seen on our website: www.fair.work/ratings/.

Fair Pay

- We could evidence that, for nine out of ten platforms, workers' gross pay is at or above the minimum wage, which in 2021 was GHs12.53/day (around US$2). This minimum wage is set by the National Tripartite Committee.
- When assessing minimum earnings, the scores took into account not only the amount paid by the platform to the worker for hours worked, but also the cost of providing task-specific equipment and pay work-related costs out of pocket (such as unpaid waiting times, travel costs, vehicles, petrol, mobile phone data and insurance). The scores also factored in waiting times between jobs. All but one platform was awarded this point.

- It should be noted that despite the majority of platforms receiving the basic point under the Principle Fair Pay, this is not indicative of a high level of earnings on platforms, but rather a very low minimum wage, which is generally understood to fall below the standard of decent living, especially in urban centres.[20]
- When extending this net calculation to consider living wage (currently assessed as GHs35.4/day for 2021), no platform could evidence this principle of fair pay, and we see workers often working very long hours to cover expenses.
- Thus, under Fair Pay, nine platforms were awarded the basic point, and no platforms were awarded the advanced point.

Fair Conditions

- Five of the platforms were able to evidence some action that they take to protect workers from risks that arise on their jobs. However, unsafe and dangerous working conditions emerged as a major concern for workers (particularly on ride-hailing platforms), as is detailed in the 'Theme in Focus' section of this report.
- Only one platform (Eziban) was able to evidence that it took meaningful steps to compensate workers due to inability to work.
- Thus, under Fair Conditions, five platforms were awarded the basic point, and one platform was awarded the advanced point.

Fair Contracts

- Only two platforms (Black Ride and Glovo) were able to evidence a basic level of fairness in their contracts, i.e., that they have clear, transparent and accessible contracts that were governed under Ghanaian law.
- Only one platform (Glovo) was able to evidence that its contract with workers did not unreasonably exclude liability on the part of the platform.
- Thus, under Fair Contracts, two platforms were awarded the basic point, and one platform was awarded the advanced point.

Fair Management

- Arbitrary termination or deactivation is a big concern for gig workers, who lack the recourse available to formal employees. That's why we assess whether platforms have due process for decisions affecting workers. The Fairwork scoring system stipulates that platforms must provide clear communication channels and processes for workers to appeal penalties and disciplinary decisions.
- Five platforms could demonstrate due process for management decisions that affect workers.
- We also encourage platforms to ensure there is equity in the management process, and that steps are taken to be inclusive of marginalised or disadvantaged groups. Two platforms (Black Ride and Eziban) have issued public anti-discrimination policies, and committed to proactive measures to advance equity on their platforms.
- Thus, under Fair Management, five platforms were awarded the basic point, and two platform was awarded the advanced point.

Fair Representation

- Being able to freely organise is a key workplace right in most countries. Only two platforms in Ghana could evidence that freedom of association and the expression of collective worker voice were assured. Black Ride was the only platform that went even further to recognise an independent collective body of workers publicly and formally.
- Thus, under Fair Representation, two platforms were awarded the basic point, and one platform was awarded the advanced point.

Platform in Focus: Black Ride

Indicator	Black Ride
1.1	1
1.2	0
2.1	1

2.2	0
3.1	1
3.2	0
4.1	1
4.2	1
5.1	1
5.2	1

Black Ride is a Ghanaian ride-hailing platform currently operating in Sekondi-Takoradi, Ghana's third-largest city. Black Ride has about 450 workers and over 4000 customers. Black Ride, just like other ride-hailing platforms, connects drivers to riders using a digital app interface, for a commission. In matching drivers to customers, Black Ride plays an active role in the labour process, by signing up, screening, and paying its drivers (or "captains", as Black Ride refers to them). As part of the onboarding process, Black Ride collects drivers' identity cards and driver's licenses, vehicle registration particulars, and a picture of the worker. This process takes a few days to two weeks before a worker starts to receive rider requests on the Black Ride app.

Interviews we undertook with Black Ride workers and managers indicate that workers on this platform earn above the local minimum wage after factoring in task-related costs and waiting time (i.e., the time workers spend logged into the app and waiting for rides to be assigned to them). Black Ride is the only platform we rated that has a flat commission charge of GHs1 (about US$0.16) per trip. However, just like all the platforms we rated, Black Ride's workers' earnings fall short of the local living wage, which means that not all workers who work full-time on this platform to earn a living would be able to enjoy a decent life where all their needs are met. This prevented us from awarding Black Ride a second point under 'Fair Pay' for Indicator 1.2; it should be noted that no other platform we scored was able to evidence that they deserved this point either. Improvements in this area by Black Ride and all other platforms operating in Ghana would represent a step forward in ensuring fairer pay in the platform ecosystem.

Black Ride is one of two ride-hailing platforms that have a Rider Identification and Verification requirement for customer sign-ups, where customers are required to upload a picture, which are then verified by Black Ride. Customers' verification status is reported to drivers along with ride requests, and drivers are allowed to freely choose whether to accept the ride or not. Black Ride's management has expressed awareness of the security risks that drivers face daily in the course of their work, and this Rider Verification system is one of the steps the platform has taken to mitigate these security risks. Workers and union representatives from the National Alliance of Digital Drivers Unions Ghana (NADDU) expressed appreciation for this platform feature, as it allowed workers to accept rides more confidently via this platform.

In working with Fairwork, Black Ride has made some changes to further improve their platform in two ways. First, it has instituted an anti-discrimination policy and committed to undertaking proactive measures to improve equality, diversity, and inclusion among its workforce.[21] Second, it has publicly announced its willingness to engage and negotiate with a union or workers' association and has amended its terms and conditions with its workers to reflect these changes.[22] In doing so, Black Ride has publicly and recognised the 'National Alliance of Digital Driver Unions as a workers' collective body for formal engagements. This is a commendable step to ensure fair representation of its platform workers and is worth emulating by other platforms. The right for workers to organise, collectively express their wishes—and importantly—be listened to, is an essential component of fair working conditions.

Currently, at a 7 out of 10, Black Ride could still do more to advance fair working conditions. Firstly, it needs to ensure that workers are earning the living wage after subtracting their costs. It should consider implementing a system whereby Black Ride retrospectively tops up their earnings if workers fall below the living wage in their active hours in a certain period. The platform should also implement insurance policies which ensure social safety nets for workers who experience loss of income due to unforeseen circumstances, including sicknesses and injuries. In the next year, we hope to continue

working with Black Ride to advance fair working conditions in the Ghanaian platform economy.

Other Notable Platform Changes

After engaging with Fairwork over the past year, several platforms have made changes to their platform policies in order to advance fairer working conditions for their workers (in addition to Black Ride's policy changes outlined in the previous section):

Principle 3

Glovo, a Spanish food delivery company has amended its Terms and Conditions that govern its contractual relationship with platform workers in Ghana, to change the contract to be subject to Ghanaian law (as opposed to Spanish law, as it was previously).[23] This policy change was part of the evidence that allowed us to award Glovo with a point for Criterion 3.1 under Principle 3 on 'Fair Contracts'. Glovo's total score for this year in Ghana is 5 out of 10.

Principle 4

Eziban, a Ghanaian food delivery company, has drafted and committed to an anti-discrimination policy, and additionally outlined its commitment to investigating and dismantling barriers to equal participation on the platform for under-represented or disadvantaged groups in Ghana. This policy change was part of the evidence that allowed us to award Eziban with a point for Criterion 4.2 under Principle 4 on 'Fair Management'. Eziban's total score for this year in Ghana is 6 out of 10.

Principle 5

Eziban has additionally released a public statement confirming their willingness to engage in collective bargaining. This policy change was part of the evidence that allowed us to award Eziban with a point for Criterion 5.1 under Principle 5 on 'Fair Representation'.

Workers' Stories

1: Esi* has worked for a ride-hailing platform in Accra for more than a year. She signed up to the platform when she returned to Ghana from abroad because she loves to drive and wanted to earn some money to support her family. However, Esi faces several challenges in her line of work, from pay to dignity of work. First, while the platform claims to have increased fares, she has not seen this reflected in her earnings, and feels cheated. She told us: *"Someone should explain this to me...I took a client from point A to point B (some 15 km) during the peak hours. The initial charge was GHs 23. A journey that should have taken 20 minutes maximum took me an hour and a half...upon arrival, the charge was still GHs 23.....how could my 90 minutes trip remain at GHs 23...I did not use the same amount of fuel I would use for the 20 minutes"*. Even though this platform claims to have increased its fares, it is evident that the ways that the platform calculates drivers' remuneration is not commensurate with drivers' fuel and other expenses they incur in the course of their work. A lot of drivers on this platform complain about such incidents.

Esi also describes how workers are denied basic dignities like using the washroom. As she said, "working for platforms, you sometimes cannot even use the washroom when you are hard-pressed to do so ... [I] got pressed to use the washroom in the course of [one] trip. I could not stop because the client would drop off or cancel the trip and report me to the platform and the platform will punish me for attending nature's call. Upon dropping off the client, I had to rush to the nearest fuel service station, and the honest truth is that I soiled myself. This is what drivers working on the various apps go through every day only to earn peanuts and be cheated by the platforms on top of that."

The platform Esi works for offers her a bonus upon completing a specified number of trips within a period. On one occasion, she completed these trips within the period only to be accused of fraud in one of the trips, and did not receive the bonus. The platform does not have to prove that Esi has been fraudulent, which she thinks is wrong. *"If they suspect fraud, they have to prove it. They cannot suspect someone to be a thief and convict the person without proving what the person has stolen...you cannot [just] accuse me of a crime—a crime should be proven beyond reasonable doubt in Ghana. I lose dignity for doing this job only to be accused wrongly because the platform wants to cheat you."*

25

2: Koku* works on a ride-hailing platform at night to supplement the income he gets from his regular job as a sales executive. Koku, like many of the ride-hailing workers we spoke to, reported that unsafe and dangerous working conditions are a major concern in Ghana. However, Koku is unconvinced that the platform he works for is doing anything to help curb the numerous crimes faced by workers. Koku told us about recounts one particularly horrifying incident: *"Around midnight on that fateful day, a lady ordered for a ride and I accepted. I called her to confirm where she was. I followed the map to her destination. I called her when I got to the pick-up location. She asked that I give her some few minutes for her to join me. Within a minute, four guys wielding guns and machetes rushed onto me...they took my mobile phone, laptop, my watch, all the monies on me, and forced me to transfer all the money on my mobile money wallet to a particular mobile money account. They took the key of the car but gave it back and instructed that I move away else they will shoot me."*

The next day, Koku logged into his platform account only to see a message from the platform asking why he did not complete the trip. He narrated the incident to the platform and provided a police report of the incident, but the platform nevertheless suspended his account. Koku learnt that the platform had an accident insurance policy from a drivers' WhatsApp group, and submitted the necessary paperwork to see if he could receive help from the platform. However, months later, Koku has yet to receive any support from the platform.

*Names changed to protect worker identity

Theme in Focus: Safety and Security in the Ride-hailing Sector

The emergence of ride-hailing platforms in many cities in the Global South has been tied to the idea that platforms' deployment of novel technologies could improve safety and security for drivers. By design, these platforms (at least in theory) can support digital identification of drivers and riders, a rating system for evaluation, driving time-caps, panic buttons, and emergency contact numbers as ways of improving the safety and security of drivers. However, a consistent finding from the interviews we conducted with ride-hailing

drivers in Ghana was that they regularly felt deeply unsafe on the job. Dangerous working conditions have been reported in numerous other contexts too. For instance, in the United Kingdom, safety issues are often associated with driving long hours, which causes fatigue and increases the risk of road accidents.[24] There have also been cases in the United States[25] and South Africa[26] of drivers being assaulted in their vehicles by passengers, but receiving little or no support from platforms.

In Ghana, we found that drivers often experience armed robbery, road accidents and even loss of life, with little recourse from ride-hailing platforms. These are familiar experiences for drivers in other African cities such as Lagos and Johannesburg too, where drivers have protested the lack of support from platforms around issues of safety and security.[27] [28] Drivers we interviewed in Ghana pointed out that the barrier to entry for passengers is negligible—passengers face barely any identity checks when signing up to use ride-hailing platforms, and have to maintain lower rating thresholds to continue using these services. They argue that these informational asymmetries, caused by platforms not rigorously scrutinising or verifying the data provided by passengers, is a critical factor that exposes drivers to potential harms.[29] [30] Drivers additionally reported that, even in cases where they report riders after perilous incidents occur, platforms take little action beyond blocking the passenger from the platform. This was done by the platform when Koku (whose story we related in the previous section) reported the rider after his accident; but Koku also pointed out to us that the same passenger could easily re-enter the platform ecosystem by creating another account (with a different email address), or by using a friend's account, without any hindrance.

Another security concern arises due to drivers feeling constrained in refusing trips that they perceive as risky (such as where they are sent to dangerous neighbourhoods, or when the passenger appears suspicious) due to the potential punitive effects they might face from the platform. Rejecting or cancelling a trip could lead to the platform limiting the number of trips they are assigned in the future, thus impacting their daily earnings. Even if drivers accept such trips, they rarely feel confident that the panic buttons or platform emergency contacts are sufficient mechanisms to protect them in an emergency.

Bolt and Uber, two ride-hailing global giants that dominate the ride-hailing market in Ghana, offer accident insurance cover that drivers can claim in the aftermath of accidents, robberies or other incidents, provided they have sufficient documentation to prove what occurred. However, these insurance policies only cover 'on-trip time', i.e. from the time a driver accepts a trip, through to its end[31]—which excludes the substantial periods of time that drivers spend in their cars waiting to be assigned rides. Such waiting times have been reported in Ghana and other contexts to be up to 40% of drivers' working time; or even longer, especially during COVID-19 lockdowns and slowdowns.[32] By insuring only 'on-trip time', platforms are creating a situation where drivers are unprotected for a large part of their working time. Moreover, the vast majority of drivers we interviewed were unaware of the existence of even these limited platform insurance policies, and those who were aware of the policies did not know of anyone who had successfully benefited from them. A union representative from the National Alliance of Digital Drivers Unions Ghana (NADDU) corroborated this finding, describing in an interview with Fairwork researchers how none of the drivers whom the union lobbied on behalf of following accidents and robberies received any insurance benefits.

All these circumstances are indicative of the unsafe conditions in the Ghanaian ride-hailing economy. Only two of the five ride-hailing platforms we rated (Black Ride and Swift-Wheels) were awarded a point for the 'Fair Conditions' principle, reflecting their good practice of instituting a passenger identification policy to boost driver safety. The other three ride-hailing platforms we rated, namely Bolt, Uber and Yango, were not awarded any points for the 'Fair Conditions' principle.

Ride-hailing platforms command a large and growing proportion of the platform workforce in Ghana, and must proactively address this critical issue to ensure a safer and more rewarding workplace for drivers. While we have focused in this section on ride-hailing platform workers, these insights apply to the broader platform economy in Ghana, underscoring the importance of considering the everyday experiences of workers, and the contextual risks involved in platform work. Technology alone will not prevent platform workers from experiencing unfavourable working conditions, but establishing responsive

communication channels with workers, and strengthening their workers' representation and overall fair treatment of platform workers would be a step in the right direction.

Impact and Next Steps

This report presents the first annual Fairwork rating of platforms in Ghana. As Fairwork's reach and visibility increases, we see four avenues for contributing to continued improvement in the Ghanaian platform economy (see Figure 1).

Figure 1: Fairwork's Pathways to Change
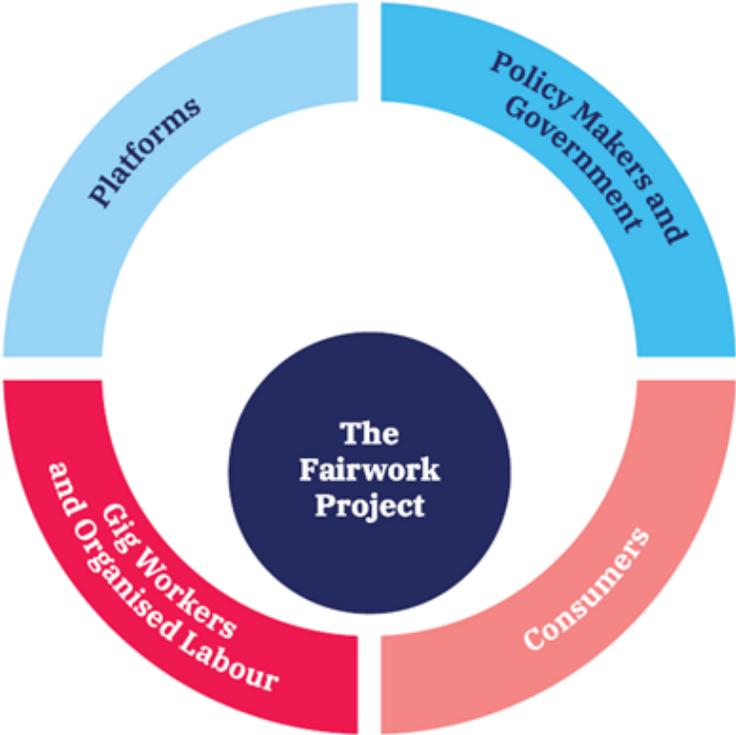
Fairwork's Pathways to Change

Our first and most direct pathway to improving working conditions in the platform economy is by engaging directly with platforms operating in Ghana. Several platforms are aware of our research, and eager to improve their performance on our league table,

relative to other platforms. Platforms have the ability to improve conditions for their workers, while continuing to provide income opportunities. Where positive practices exist, Fairwork has had some success at seeing them encoded and formalised. For example, Glovo's conversion from Spanish to Ghanaian law as the legal framework identified in the contract for Ghanaian workers is a positive step towards fair contracts. Similarly, Black Ride's and Eziban's public commitments to equality, diversity and inclusion (EDI), as well as their recognition of collective bargaining rights are very strong advances towards fair management and representation.

Fairwork's theory of change also draws on the understanding that human empathy is a powerful force. Given enough information, many consumers will be intentional about the platforms they choose to interact with. Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we enable consumers to be workers' allies in the fight for a fairer gig economy. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

We also engage with policy makers and government to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Fairwork has made recommendations on policy measures to protect platform workers in contexts like South Africa, the United Kingdom, and Germany. In coming years, Fairwork will expand our policy advocacy efforts to Ghana, to help ensure that workers' needs and platforms' business imperatives are better balanced.

Finally, and most importantly, workers and workers' organisations are at the core of Fairwork's model. First, our principles have been developed and are continually refined in close consultation with workers and their representatives (see Figure 2). Our fieldwork data, combined with feedback from workshops and consultations involving workers, informs how we systematically evolve the Fairwork principles to remain in line with their

needs. Second, through continual engagement with workers and their representatives and advocates, we aim to support workers in asserting their rights and requirements in a collective way. To this end, alongside the annual Fairwork ratings, we additionally produce informational materials for platform workers, such as pamphlets and infographics, resource directories, podcasts.

Figure 2: Fairwork Principles: Continuous Worker-guided Evolution
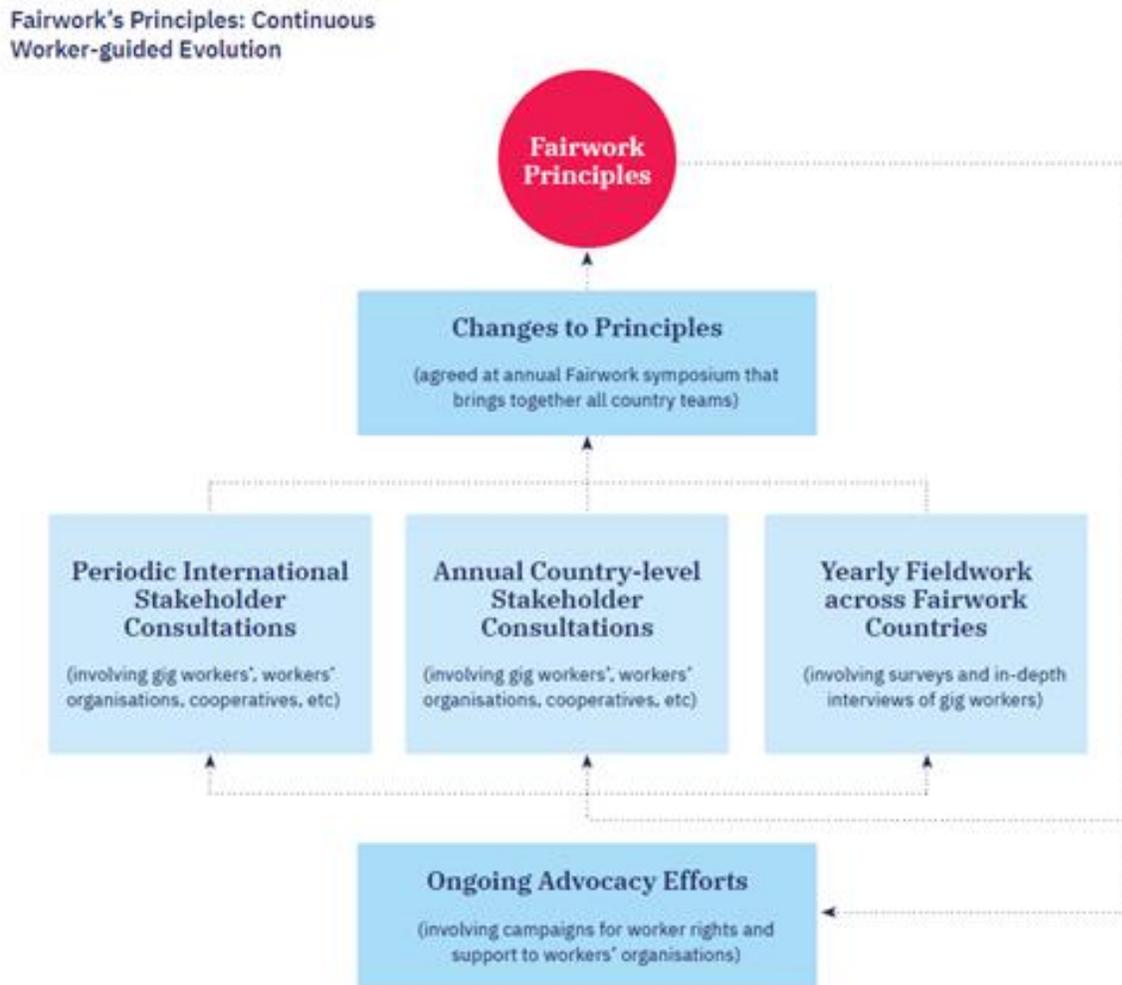
There is nothing inevitable about poor working conditions in the platform economy. Notwithstanding their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and

protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work—by highlighting the contours of today's platform economy—paints a picture of what it could become.

The Fairwork Pledge

As part of this process of change, we have introduced a Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work. Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting the best labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. We are proud to announce that the Good Business Charter is our first official Fairwork Supporter. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice. More information is available on the Pledge, and how to sign up, on the Fairwork website.[33]

Appendix: Fairwork Scoring System

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policy makers, trade unions, and academics), and in-country stakeholder meetings held in India (Bangalore and Ahmedabad), South Africa

(Cape Town and Johannesburg) and Germany (Berlin). This appendix explains the Fairwork scoring system.

Each Fairwork Principle is divided into two *thresholds*. Accordingly, for each Principle, the scoring system allows one 'basic point' to be awarded corresponding to the first threshold, and an additional 'advanced point' to be awarded corresponding to the second threshold (see Table 1). The advanced point under each Principle can only be awarded if the basic point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

Table 1: Fairwork Scoring System

Principle	Basic Point		Advanced Point		Total
Fair Pay	1	+	1	=	2
Fair Conditions	1	+	1	=	2
Fair Contracts	1	+	1	=	2
Fair Management	1	+	1	=	2
Fair Representation	1	+	1	=	2
Maximum possible Fairwork Score:					**10**

A platform can therefore receive a maximum Fairwork Score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 12 months between November 2021 and November 2022, and are valid until November 2023.

Principle 1: Fair Pay

Threshold 1.1 – Pays at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.[34] Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage. Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, which are also considered active hours.[35] To achieve this point platforms must demonstrate that work-related costs do not push workers below local minimum wage.

The platform must satisfy the following:

- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.

In order to evidence this, the platform must either: (a) have a documented policy that guarantees the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data. In case of (b), the platform must submit:

- An estimate for work-related costs, which are then checked by the Fairwork team through worker interviews; and,
- A weekly earnings table for any three-month period over the previous twelve months, in the format shown below. This is a two-way relative frequency table, which should contain information on the percentages of workers whose average weekly take-home earnings and active hours are distributed as follows in Table 2.

Table 2: Earnings Table

	WORKER EARNINGS AFTER COSTS (E)			
	[1] $e < M$	[2]	[3]	[4] $2M \leq e$

ACTIVE HOURS (H)			M ≤ e < 1.5M	1.5M ≤ e < 2M	
	h < 0.9F (part-time)	%	%	%	%
	0.9F ≤ h < 1.2F (full-time)	%	%	%	%
	1.2F ≤ h (full-time plus overtime)	%	%	%	%

- Table Notes:
    1. h = Average active hours worked by worker per week
    2. e = Average weekly earnings of worker
    3. F = the number of hours in a local standard working week.
    4. M = the local weekly minimum wage, calculated at F hours per week. The table's header row and column are filled out by the Fairwork team, before giving it to the platform for completion.
    5. The rows represent workers who work part-time, full-time, and more than full-time. The percentages in each row should add up to 100%.
    6. The table is to be filled with four columns of data: Column [2] with the percentages of part-time, full-time, and full-time with overtime workers who earn less than the minimum weekly wage (X), and so on until Column [5].

Threshold 1.2 – Pays at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that workers earn a living wage.

The platform must satisfy the following:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.[36,37]

If the platform has completed Table 2, the mean weekly earnings minus the estimated work-related costs must be above the local minimum wage.

Principle 2: Fair Conditions

Threshold 2.1 – Mitigates task-specific risks (one point)

Platform workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks and take steps to mitigate them.[38]

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

Threshold 2.2 – Provides a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income from the platform for their livelihood, platforms can achieve this point by providing compensation for loss of income due to inability to work.

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to compensate workers for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.

Principle 3: Fair Contracts

Threshold 3.1 – Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers.[39] To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the platform breaches those conditions.

The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.
- Every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

Threshold 3.2 – Does not impose unfair contract terms (one additional point)

In some cases, especially under 'independent contractor' classifications, workers carry a disproportionate amount of risk for engaging in the contract. They may be liable for any damage arising in the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

Regardless of how the platform classifies the contractual status of workers, the platform must satisfy BOTH of the following:

- The contract does not include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions.
- The contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

Principle 4: Fair Management

Threshold 4.1 – Provides due process for decisions affecting workers (one point)

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

The platform must satisfy ALL of the following:

- There is a channel for workers to communicate with a human representative of the platform. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- There is a process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in the contract and available on the platform interface.[40]
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

Threshold 4.2 – Provides equity in the management process (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities in their design and management. For example, there is a lot of gender segregation between different types of platform work. To achieve this point, platforms must show not only that they have policies against discrimination, but also that they seek to remove barriers for disadvantaged groups, and promote inclusion.

Platforms must satisfy ALL of the following:

- There is a policy which ensures the platform does not discriminate on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among its workers, it seeks to identify and remove barriers to access by persons from that group.
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or remuneration, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

Threshold 5.1 – Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and

importantly – be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union, that is clearly communicated to all workers.[41]
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform.[42]

Threshold 5.2 – Supports democratic governance (one additional point)

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically-governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.

The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. It publicly and formally recognises an independent collective body of workers, an elected works council, or trade union.
3. It seeks to implement meaningful mechanisms for collective representation or bargaining.

Credits and Funding

Fairwork is a project run out of the Oxford Internet Institute, University of Oxford, and the Berlin Social Science Centre, and draws on the expertise and experience of staff at the University of Ghana Business School, Audencia, The American University of Cairo, the Chinese University of Hong Kong's Centre for Social Innovation Studies, CIPPEC, De La Salle University, the International Institute of Information Technology Bangalore (IIITB), the Centre for Labour Research, FLACSO-Ecuador, Humboldt University of Berlin, iSocial, National University of Singapore, Public Policy Research Center (CENTAR), REPOA, the Technical University of Berlin, TEDIC, TU Wien, Universidad Adolfo Ibáñez, Universidad del Rosario, Universidade do Vale do Rio dos Sinos (Unisinos), Universitas Gadjah Mada's Center for Digital Society, University of California's Hastings College of the Law, the University of Cape Town, University of Leuven, the University of Manchester, the University of the Western Cape, Weizenbaum Institut, and XU Exponential University.

Authors: Thomas Anning-Dorson, Srujana Katta, Daniel Arubayi, Mark Graham, Richard Boateng, Joseph Budu

Fairwork Team: Daniel Abs, Iftikhar Ahmad, Gina Alaschkar, María Belén Albornoz, Moritz Altenried, Oğuz Alyanak, Branka Andjelkovic, Thomas Anning-Dorson, Marcos Aragão, Arturo Arriagada, Daniel Arubayi , Tat Chor Au-Yeung, Marina Benedine, Ariane Berthoin Antal, Alessio Bertolini, Louise Bezuidenhout, Gautam Bhatia, Richard Boateng, Manuela Bojadzijev, Macarena Bonhomme, Ameline Bordas, Maren Borkert, Joseph Budu, Callum Cant, Rodrigo Carelli, Eduardo Carrillo, NourJihan, Henry Chavez, Sonata Cepik, Aradhana Cherupara Vadekkethil, Chris King Chi Chan, Andrea Ciarini Matthew Cole, Antonio Corasaniti, Paska Darmawan, Luisa De Vita, Markieta Domecka, Marta D'Onofrio, Darcy du Toit, Veena Dubal, James Dunn-Willimason, Trevilliana Eka Putri, Haya Sayed El Zayat, Dana ElBashbisy, Fabian Ferrari, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Jackeline Gameleira, Pia Garavaglia, Chana Garcia, Farah Ghazal, Anita Ghazi Rahman, Shikoh Gitau, Slobodan Golusin, Mark Graham, Markus Griesser, Rafael Grohman, Martin Gruber-Risak, Julieta Haidar, Sayema Haque Bidisha, Khadiga Hassan, Richard Heeks, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Benjamin Herr, Salma Hindy, Kelle Howson, Francisco Ibáñez, Sehrish Irfan, Tanja Jakobi, Athar Jameel,

Endnotes

[1] We have estimated this figure based on media reports, desk research, and interactions and interviews with platform managers and various groups and associations in this sector. However, it should be noted that estimating the number of jobs created by digital platforms is a significant challenge given that previous studies and reports aiming to make such estimations have employed widely varying definitions of employment and digital platforms, and research methodologies.

[2] Trading Economics. (n.d.). Ghana GDP Annual Growth Rate. Retrieved November 23, 2021, from https://tradingeconomics.com/ghana/gdp-growth-annual

[3] World Bank. (2020, September 29). *Addressing Youth Unemployment in Ghana Needs Urgent Action, calls New World Bank Report*. Press Release. https://www.worldbank.org/en/news/press-release/2020/09/29/addressing-youth-unemployment-in-ghana-needs-urgent-action

[4] Online drivers embark on a sit-down strike (2021, May 11). Ghana Web. https://www.ghanaweb.com/GhanaHomePage/business/Online-drivers-embark-on-a-sit-down-strike-1258039

[5] Howson, K., Spilda, F.U., Bertolini, A., Heeks, R., Ferrari, F., Katta, S., Cole, M., Reneses, P.A., Salem, N., Sutcliffe, D., Steward, S. and Graham, M. 2021. Stripping back the mask: Working conditions on digital labour platforms during the COVID-19 pandemic. International Labour Review. Accepted Author Manuscript. DOI: 10.1111/ilr.12222.

[6] Aryeetey, E., Baffour, P. T., & Turkson, F. E. (2021). *Employment creation potential, labor skills requirements, and skill gaps for young people: Ghana case study.* https://www.brookings.edu/wp-content/uploads/2021/06/21.06.28-IWOSS-Ghana.pdf

[7] Danquah, M., Schotte, S., & Sen, K. (2020). Covid-19 and employment: Insights from the sub-saharan african experience. *The Indian Journal of Labour Economics*, *63*(1), 23-30.

[8] BFA Global. (2020). *The iWorker Project – Country Diagnostic Report: Ghana.* https://bfaglobal.com/wp-content/uploads/2020/04/BFA_The-iWorker-Project_Ghana-Report_Apr-2020-Web.pdf

[9] Ayamga, E (2021, May 11). *Uber and Bolt drivers hit the streets to protest over poor fares.* Pulse. https://www.pulse.com.gh/news/local/uber-and-bolt-drivers-hit-the-streets-to-protest-over-poor-fares/8nphkvg

[10] *Online drivers embark on a sit-down strike* (2021, May 11). Ghana Web. https://www.ghanaweb.com/GhanaHomePage/business/Online-drivers-embark-on-a-sit-down-strike-1258039

[11] Jacobs, P. D. & Annim, A. A. (2021, May 31). *Takoradi Online Drivers begin strike over claims of unfair treatment by app operators*. Citi Newsroom. https://citinewsroom.com/2021/05/takoradi-online-drivers-begin-strike-over-claims-of-unfair-treatment-by-app-operators/

[12] Appiah, N (2019, October 1). *Uber, Bolt and Yango face drivers' wrath*. Biztech Africa. https://www.biztechafrica.com/article/uber-bolt-and-yango-face-drivers-wrath/15053/

[13] Name changed.

[14] *Online drivers declare strike over poor welfare, attacks & killing of Members* (2021, May 7). Ghana Web. https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Online-drivers-declare-strike-over-poor-welfare-attacks-killing-of-Members-1253806

[15] International Labour Organisation (2003*). Ghana Labour Act 2003*. https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf. Accessed on November 23, 2021.

[16] Uber South Africa, Uber B.V., Uber International Holdings B.V. vs. Nupsaw Obo Herschelle Mostert. 2018. Cape Town Labour Court, C 449/17.

[17] Williams, A. (2021, October 13). *Kenya's high court issues landmark ruling against Uber*. https://techcabal.com/2021/10/13/kenya-landmarking-ruling-against-uber/

[18] Otieno, K (2021, October 12). *Relief for drivers as court lifts Uber's corporate veil.* https://www.pd.co.ke/business/economy-and-policy/relief-for-drivers-as-court-lifts-ubers-corporate-veil-98522/

[19] UK Government. (n.d.). *Employment Status*. https://www.gov.uk/employment-status/worker#:~:text=A%20person%20is%20generally%20classed,a%20contract%20or%20future%20work

[20] Otoo, K. N. (2018).*Minimum Wage Fixing in Ghana*. Friedrich Ebert Stiftung. http://library.fes.de/pdf-files/bueros/ghana/16590.pdf

[21] Gr8Mind$@W0rk. (2021). *Terms and Conditions of Service*. https://www.gr8mindsatwork.com/terms

[22] Ibid.

23 Glovo. (2021). *Terms and Conditions of Use of the Glovo Platform for Couriers; last updated November 10, 2021*. https://glovoapp.com/en/legal/terms-couriers/

24 Fox, D., Webster, J., and Jones, A. (2021). *Understanding the health and safety implications of the gig economy*. Health and Safety Executive. https://www.hse.gov.uk/research/rrpdf/rr1143.pdf

25 Clayton, A. (2021, March 11). *Uber driver assaulted by unmasked rider: 'People all over have experienced this*. The Guardian. https://www.theguardian.com/technology/2021/mar/11/uber-san-francisco-maskless-assault-subhakar-khadka

26 Mare, A., Chiumbu, S., Mpofu, S. 2020. Investigating Labor Policy Frameworks for Ride-Hailing Platforms. *IT for Change*, [online] Available at: https://itforchange.net/platformpolitics/wp-content/uploads/2020/04/South-Africa-PDF.pdf

27 Adelaja, B. (2021, April 18). *No going back on strike − Uber, Bolt drivers*. Vanguard. https://www.vanguardngr.com/2021/04/no-going-back-on-strike-%E2%80%95-uber-bolt-drivers/

28 Igomu, T. (2021, September 26). Double standards: Uber, Bolt provide safety tools, support for American, South African drivers, leave Nigerian drivers at mercy of killers, kidnappers. Punchng.com. https://punchng.com/double-standards-uber-bolt-provide-safety-tools-support-for-american-south-african-drivers-leave-nigerian-drivers-at-mercy-of-killers-kidnappers.

29 Rosenblat, A., and Stark, L. (2016). 'Algorithmic labor and information asymmetries: A case study of Uber's drivers', *International Journal of Communication*, 10, pp. 3758–3784

[30] Arubayi, D. (2020). Ride-hailing Platform Asymmetries between Riders and Driver-partners in Lagos, Nigeria. *ICTs for Development*.

[31] 'Everything You Need to Know about Bolt's Ride Insurance for Drivers and Passengers in Ghana'. *Bolt*. (2021, June 1). https://blog.bolt.eu/en-gh/everything-you-need-to-know-about-bolts-ride-insurance-for-drivers-and-passengers-in-ghana/ [Accessed 24 November 2021].

[32] Jones, Alan (2021, September 27). *Uber Drivers to Stage 24-Hour Strike* 27. Evening Standard. https://www.standard.co.uk/news/uk/sheffield-nottingham-glasgow-leeds-manchester-b957477.html.

[33] Fairwork. (n.d.). Join the Pledge. Retrieved June 8, 2021, from https://fair.work/en/fw/join-the-pledge-together-for-platform-work/

[34] Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

[35] In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs. These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.

[36] Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.

37 In order to evidence this, the platform must either: (a) have a documented policy that guarantees the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data. In case of (b), the platform must submit: (1) An estimate for work-related costs, which are then checked by the Fairwork team through worker interviews; and, (2) a weekly earnings table for any three-month period over the previous twelve months, in the format shown in Table 2.

38 The starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."

39 The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.

40 Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.

41 For example, "[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions."

42 See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that "workers and employers, without

distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation" (Article 2); "the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof" (Article 3) and that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority" (Article 4). Similarly the ILO's Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 ratified C087 and 167 ratified C098.