



Fairwork Brazil Ratings 2021: Labour Standards in the Platform Economy



Executive Summary

The first Fairwork Brazil report analyses how the main labour platforms in the country relate to fair work principles. Platforms can choose to reduce inequalities and unemployment. However, the annual Fairwork Brazil scoring provides evidence that platform workers, as in many countries around the world, face unfair working conditions, and suffer without protections.

The COVID-19 pandemic context intensified the growing dependence on digital platforms to carry out work activities. Over the past two years, delivery and transport sectors have been in the spotlight, with platform workers being considered essential. Platformization has also expanded to various work sectors, for instance, platforms that offer general services and domestic work, in addition to other cloudwork platforms.

In the last year, workers from different platforms have faced precarious and dangerous working conditions, with numerous reports of health problems and accidents. Workers we interviewed for this study also complained about low payments and unfair deactivations. They also claimed that they cannot talk to human representatives of the platforms and that it is difficult to appeal against deactivations. They were also unaware of policies to combat inequality within the platforms and would like to be heard more by platforms.

Fairwork scored six of Brazil's largest digital labour platforms against five fair work principles – fair pay, fair conditions, fair contracts, fair management and fair representation – giving each platform a score from 0 to 10. Overall, all of the six platforms failed to secure basic labour standards for their workers. The highest score achieved was a score of 2 by the

delivery platforms iFood and 99, while Uber scored only one point. The food delivery platforms Rappi, GetNinjas, and UberEats in turn did not score any points. We kept Uber Eats in the report, as the research was conducted throughout 2021, before the platform announced its departure from the country.

The result is similar to other Latin American countries – such as Chile and Ecuador – which have already released a Fairwork report. Unlike other continents such as Africa, Asia and Europe, there are no high-scoring platforms in Latin America. In Brazil, some platforms are making changes to their practices based on their engagement with Fairwork.

Key Findings

▲ **Fair Pay:** Only one of the platforms (99) was able to demonstrate – through a public statement – that all its workers earn above the local minimum wage, which in 2021 was R\$5.50 per hour/ R\$1.212,00 per month (2021). Most platforms, however, fail to meet this basic threshold as they do not have a wage floor, and/or charge high commissions or platform fees. Pay rates and working hours are also highly volatile, leading

to a high income insecurity for workers. No platform was able to prove that workers earn above the local living wage, calculated by DIEESE as R\$24.16 per hour/ R\$5,315.74 per month.

▲ **Fair Conditions:** Two platforms (Uber and 99) were able to evidence actions to protect workers from task-specific risks in line with Fairwork principles. Good practices by these platforms involved effective provision of personal protective equipment (PPE) and clear accident and health insurance policies. On other platforms, if PPE was offered at all, many workers faced significant barriers to access it, for example due to distant pick up locations. Another recurring complaint of workers was the lack of basic infrastructure such as access to bathrooms, rest areas, and drinking water. In addition, many workers face serious health risks from traffic accidents, assaults, excessive exposure to the sun, back problems, stress, and mental suffering. More needs to be done by platforms to mitigate these risks. One platform is however providing workers opportunities for training and professional development, for example in the area finances.

▲ **Fair Contracts:** Only one platform (iFood) was able to provide evidence of basic standards in relation to fair contracts. As a result of their involvement with Fairwork, iFood created accessible terms and conditions for workers with illustrations. However, most platforms still do not provide a contract that is communicated in clear, comprehensible language, and accessible to workers at all times, and they do not notify workers of proposed changes within a reasonable timeframe. No platform was able to evidence that their contracts were free of unfair terms and that they do not unreasonably exclude liability on the part of the platform.

▲ **Fair Management:** Fair management remains a big challenge in the Brazilian gig economy. No platform was able to evidence effective communication channels,

transparent appeal processes and anti-discrimination policies. In this context, arbitrary deactivation and lack of effective communication channels with the platform are the most pressing concerns for workers. To tackle these problems, platforms need to introduce clear deactivation policies and processes through which workers can learn about the reasons for their deactivation. Moreover, workers need to be able to talk to a human representative and to appeal to decisions in a transparent way. We encourage all platforms to introduce these kinds of policies and processes to create fairer management structures.

▲ **Fair Representation:** There is also much to be done towards fair representation in platform work in Brazil. Only one platform (iFood) was able to highlight significant policies to ensure the voice of workers. Following their involvement with Fairwork,

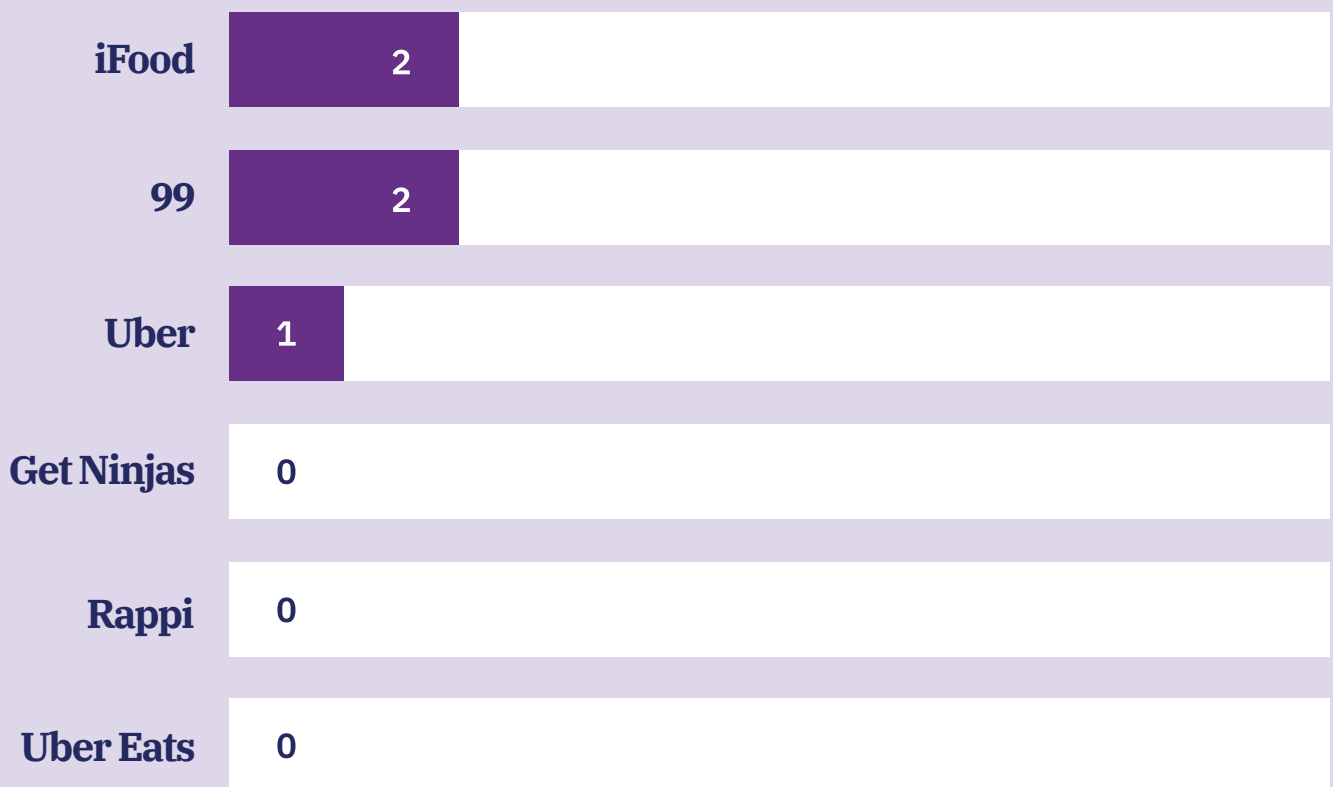
iFood created a Riders' Forum as a communication channel with organisers and riders in general. Most platforms do however not have a documented policy that recognizes the voice of the worker and the workers' organisation. Moreover, workers' rights to freedom of association are often constrained. Several workers report that they have already been penalised for participating in strikes. Therefore, we call upon platforms to respect and encourage workers' rights to organise and to express their wishes collectively.



Rafael Vilela/ Fairwork

Fairwork Brazil Scores 2021

Score (out of 10)



Editorial:

Towards Decent Work in the Brazilian Platform Economy

The publication of this first Fairwork Brazil report is a step towards a more decent platform economy. Platform work is one of the central themes on the agenda for the country's present and future. Fairwork principles – involving pay, conditions, contracts, management and representation – can help in the analysis and transformation of the world of work in the country.

One of Fairwork's strengths is its strong research network. Currently operating in 27 countries, the project involves a lot of knowledge exchange, with researchers from many areas and backgrounds, in a vibrant and collaborative network. The Brazil team learned a lot from external and internal collaboration. There are many Brazilian universities engaged with the projects – currently Unisinos University, University of São Paulo, Federal University of Rio de Janeiro, Federal University of Rio Grande do Sul, and Federal University of Technology – Parana – with the perspective of new universities to be added in the future. Cooperation and teamwork are at the core of research and science.

Another strong point is the action research approach of the project, which includes building relationships with different stakeholders. During the research period, we engaged with workers, platforms, social movements,

political parties, cooperatives, unions and policymakers. There was dialogue guided by transparency and respect. All are central agents for ensuring fair work and constant continuous updating of the Fairwork principles.

The scores provide an independent and reliable picture of six digital labour platforms in Brazil and their practices in relation to fair work. The platform scores show that, at the very least, digital labour platforms have been contributing to the maintenance, and, probably, to the aggravation of the unequal and precarious conditions of the Brazilian labour market. In this year, in line with what has been happening in other Latin American countries, no platform scored more than two out of a maximum of ten points. This context is different even from other countries in the Global South – such as Asia and Africa – whose reports have pointed to platforms with higher scores.

In addition, this report presents a broad context of platform work in the country – including legal issues – and what has been done to change this scenario. We also highlight some stories from workers who participated in the research. Looking to the future, one of the highlights of the report is the emergence of collectives and cooperatives that aim to build other circuits in the platform economy in Brazil.

This is the first Fairwork report in Brazil and we will continue to analyse the main labour platforms in the country – we will even increase the number of platforms assessed in the next year. We hope, propelled by the launch of this report, to build collective efforts towards the fight for fair work on digital platforms, involving all stakeholders in this issue. And we hope to give better news next time.

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Fairwork Brazil Team

Rafael Grohmann
Kelle Howson
Claudia Nociolini Rebechi
Julice Salvagni
Marcos Aragão
Roseli Figaro
Rodrigo Carelli
Victória da Silva
Ludmila Costhek Abílio
Ana Flávia Marques
Camilla Voigt Battistela
Jacqueline Gameleira
Helena Farias
Daniel Abs
Camila Acosta
Mark Graham
Tatiana López Ayala

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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 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 Brazilian context, we then revised and fine tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.

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 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 (e.g. ride-hailing or food delivery) are included to allow for within-sector comparisons. 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 finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

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 5–10 workers are interviewed for each platform. These interviews do not aim to build a representative sample, but 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 that policies or practices are really in place on the platform.

Workers are approached using a range of different channels. In 2021 this included using Facebook advertisements to recruit workers, research on WhatsApp groups, and snowball recruitment from prior interviews. In all of these strategies, workers used a link to read a short synopsis of the interview process and the Fairwork project and to submit their phone number to enable contact. Due to the lockdown restrictions arising from the COVID-19 pandemic, almost all interviews were conducted using WhatsApp and Zoom. The project was approved by the Research Ethics Committee of the University of the Vale do Rio dos Sinos (CAAE 38843320.2.0000.5344, reference number 4.340.605).

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) 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 Portuguese.

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 comprise 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 Brazilian Platform Economy - Gig is the norm



Digital labour platforms have consolidated at a global level as promoters of informal, precarious, temporary, and low-paid work. In the Brazilian scenario, these characteristics are historically structuring the labour market in the country. Thus, digital platforms are emerging in Brazil in the context of a labour market characterised by deep inequalities, high precarity and the permanent non-universalisation of fair work. One of the questions is to what extent digital labour platforms have contributed to aggravating this scenario.

In recent years, platforms have become vectors for the creation and expansion of occupations in Brazil. One example are the riders, which already existed in the country before platforms, but still in a dispersed way. There is also expansion of cloudwork platforms, for example, whose workers train data for artificial intelligence. Platforms promote the informalisation of formal activities (such as passenger transportation), expanding informal

work. Digital labour platforms have to be analysed in the context of high rates of unemployment and underemployment, characteristics of the Brazilian labour market that have deepened in recent years.

Before the pandemic, the year 2019 ended with 16.2 million unemployed, 6.7 million underemployed for insufficient hours and 38.4 million informal workers¹. Black men

and women continue to face the most precarious conditions. The unemployment rate was 11% in 2019, however it is possible to observe that black women are the most impacted. 15.6% of them faced unemployment that year, while 7.4% of white men did². Also, in 2019, among the working population, 35.6% of workers were employed in the private sector with a formal contract, while 12.5% employed in the private sector without



Rafael Vilela/ Fairwork

a formal contract. In turn, domestic workers with and without a formal contract accounted for 6.7 % of the working population, and 3.9% of workers were employed in the public sector. More than one fourth of the working population is self-employed³. Of all working black women, 17.9% are domestic workers and 30.9% of black men are self-employed. According to these data, 34.4% of workers live with up to one minimum wage⁴. In the country, formal employment is composed of high turnover rates.

To make the scenario even more complex, Brazilian workers do not have linear trajectories through the labour market. They move between informal and formal occupations, family micro-businesses and temporary jobs. They also combine different economic activities at the same time, in a

precarious and unstable way. Thus, the definition of gig work, and more broadly the gig economy, present a series of analytical challenges to the understanding of the Brazilian reality, insofar as gig work is far from being a novelty⁵. That is, the Brazilian economy is historically characterised by informal and precarious on-demand work, which is now being associated with the gig economy in public and academic discourses – revealing the Eurocentric notion of the term⁶. Even in Brazil, a novel characteristic of the gig economy is manifest however in the subordination of workers to digital platforms: platforms exercise a significant degree of control over work processes, through mechanisms such as algorithmic management and datafication. In turn, workers are increasingly dependent on platforms in order to survive economically.

Therefore, it is necessary to permanently consider that the platforms arrive in this scenario of informality, presenting new configurations and challenges for fair work and the overcoming of inequalities in the country.

Platform Work in the Brazilian Context

Platform work updates and intensifies historical informality, reorganising different sectors and occupations, many of which already existed before the emergence of digital platforms. The market features platforms in delivery, ride-hailing, domestic work, general services sectors, as well as an increasing number of cloudwork platforms for micro-tasks and for matching freelancers with clients for

macro-projects.

In the ride-hailing sector, the best-known platform, Uber, arrived in Brazil in 2014, first in Rio de Janeiro, and then in São Paulo, and is now present in more than 500 cities. Brazil is the second largest market for the platform, after the United States⁷, and has one million drivers. Its direct competitor is 99, which was founded in 2012 as 99 Taxi, connecting existing taxi drivers to passengers who needed a ride. In the following years, it began to offer services with regular drivers to compete with Uber. In 2018, the Brazilian company was sold to Didi Chuxing, for US\$ 1 billion. According to company data, there are 300,000 active drivers in Brazil. Until mid-2021, the sector in Brazil also had the Cabify platform, of Spanish origin and which arrived in Brazil in 2016. In 2017, Cabify bought the Brazilian platform Easy Taxi, from the same sector, with the integration of operations taking place in 2019. However, in June 2021, Cabify announced the end of its operations in Brazil, due to the economic crisis accelerated by the Covid-19 pandemic.

In the delivery sector, the leading platform is the Brazilian company iFood, founded in 2011, and declared a unicorn in 2018, with the Brazilian venture capital company Movile among its investors. iFood is present in 908 cities and has benefitted from increasing orders during the pandemic, from 30.6 million in early 2020 to 60 million in March 2021. One of its competitors is the Colombian company Rappi, which has been operating in the country since 2017. Through its platform, customers can order anything, from picking up a package to a specific product.

Other competitors are Uber Eats, 99 Food and Loggi, the latter in the logistics area. In January 2022, Uber Eats announced the end of its activities in Brazil from March this year. There is also Zé Delivery, a beverage delivery platform owned by industry giant Ambev. Between 2018 and 2019, the Glovo platform also operated in the country, and ended operations stating

that the Brazilian market is extremely competitive.

The number of workers in the delivery sector grew by 979.8% between 2016 and 2021 in Brazil, according to data from the Institute of Applied Economic Research (Ipea), from 30,000 to 278,000⁸. Academic research⁹ in Brazil shows that a typical delivery worker in the city of São Paulo is a young black man, intensifying racial inequalities that are historical in Brazil¹⁰.

In addition to the big platforms in the delivery sector in Brazil, there is a recent rise of medium, local platforms, focusing on the internalisation of delivery services across the country. An example is Aiqfome, from Maringá, in southern Brazil, which is present in 500 cities in 22 Brazilian states. Other local platforms are James (Curitiba, in the South of Brazil), Bee Delivery (Mossoró, in the Northeast) and Delivery Much (Florianópolis, in the South of Brazil).

Another important sector of platform work in Brazil is general services. This type of platform reveals the potential for the generalisation of platform work across different sectors. The main platform is the Brazilian GetNinjas¹¹, founded in 2011, which offers services from painters, bricklayers, teachers, designers, fashion and beauty professionals, health professionals, IT workers, and car mechanics among others. Another platform that offers many types of services is Helpie, which in addition to all the sectors above, has a category called “unusual” on its app’s menu. Under this category, the consumer can contract Santa Claus, or a journalist, a DJ, a drag queen or a cosplay artist.

In addition, another competing platform for general services is Triider, which until recently focused on domestic work. This activity in Brazil has also been offered by general service platforms, but there are specific platforms focused on domestic work. They intensify this historic sector of the Brazilian workforce, with gender inequalities. The main platforms in Brazil are Parafuzo and Donamaid¹².

In addition to those already mentioned,

in Brazil many cloudwork platforms are present, offering the possibility to work from home. Among macro-task freelance platforms, Workana and Fiiver have a large presence in the country. In the micro-work¹³ context, there are about 54 platforms¹⁴ active in Brazil, some of them already present in the Fairwork Cloudwork¹⁵ report. The market comprises well-known global platforms such as Amazon Mechanical Turk¹⁶, Appen and Lionbridge¹⁷, whose workers annotate and train data for artificial intelligence, from databases to facial recognition algorithms. There are also companies providing content moderation and transcription services to social media platforms. One example is TikTok/ Bytedance¹⁸ whose Brazilian workers earn less than 70 cents to transcribe videos, in a value chain that spans Brazil, Pakistan and China. In addition, there are click farms¹⁹, platforms based in Brazil, whose workers are poorly paid to like, comment and click on social media profiles such as Instagram, TikTok and Youtube, with a parallel market of fake accounts and bots.

The performance of platforms in Brazil has not happened without organisation, struggles and solidarity of workers, such as the big strikes of Brazilian delivery workers in 2020²⁰, and whose protests also took place in 2021 in several Brazilian cities. The struggles have also led to the search for alternatives from cooperatives and platforms owned by workers, as we will detail later.

The Legal Context

There is no specific provision in Brazilian law dealing with platform work. Several proposed bills are currently in discussion in the Brazilian Congress, some arguing for establishing an employment relationship between platforms and their workers, and others arguing against. In January 2022, Law 14,297 was approved, which specifically deals with the protection of delivery workers in relation to the Covid-19 pandemic.

The Brazilian Labour Law defines that an employment relationship exists if workers perform activities habitually, personally and with the intention of obtaining remuneration while being controlled, supervised or commanded by a superior²¹. All these characteristics can be verified in the activity of platform workers. In general, platform workers are not entrepreneurs, as they do not have their own business, but are workers inserted in the business of digital platforms. Platform workers often work more than eight hours a day and more than 44 hours a week, and usually perform activities under an account in their own name with the intention of earning an income²². Moreover, the algorithmic control over workers exercised by platforms can be regarded as equivalent to the control exercised by an immediate superior. Hence, there are indications in the Brazilian Labour Law that many platform workers should actually be classified as employees.

The Brazilian Labour Law also includes several other provisions that regulate the relationship between workers and platforms in some specific areas. It includes specific regulations regarding remote work (article 6), flexible shifts for drivers (article 235-C, § 3º), and regarding teleworkers (article 62, III). In addition, it provides for the possibility of workers on demand to refuse tasks offered by employers (art.

242-A, § 3º)²³. Thus, the law presents provisions that allow for classification of platform workers as employees in cases where digital platforms use technologies to determine the price or the determine the specific steps required to perform the work.

Despite these legal provisions, the practice of digital platforms in Brazil is that of non-recognition of the employment relationship. Instead, digital platforms classify their workers as self-employed, and claim that they are mere intermediaries between consumers and workers—despite the interventions they carry out in the work activities. With this precarious classification, platforms benefit (as they do in other countries) from an absence of a limit on daily working hours, lack of a minimum wage, and lack of norms regulating health and safety conditions—among other fundamental guarantees that ensure human dignity and fair work.

Workers who feel disadvantaged or deprived of their rights need to file a lawsuit to get recognition of their employee status and, thus, be able to claim the rights granted to them in the Constitution and in the Labour Code. However, the Brazilian judiciary has on many occasions passed worker-unfriendly rulings on this subject. A 2020 survey of 432 court rulings found that 39.8% were unfavourable to



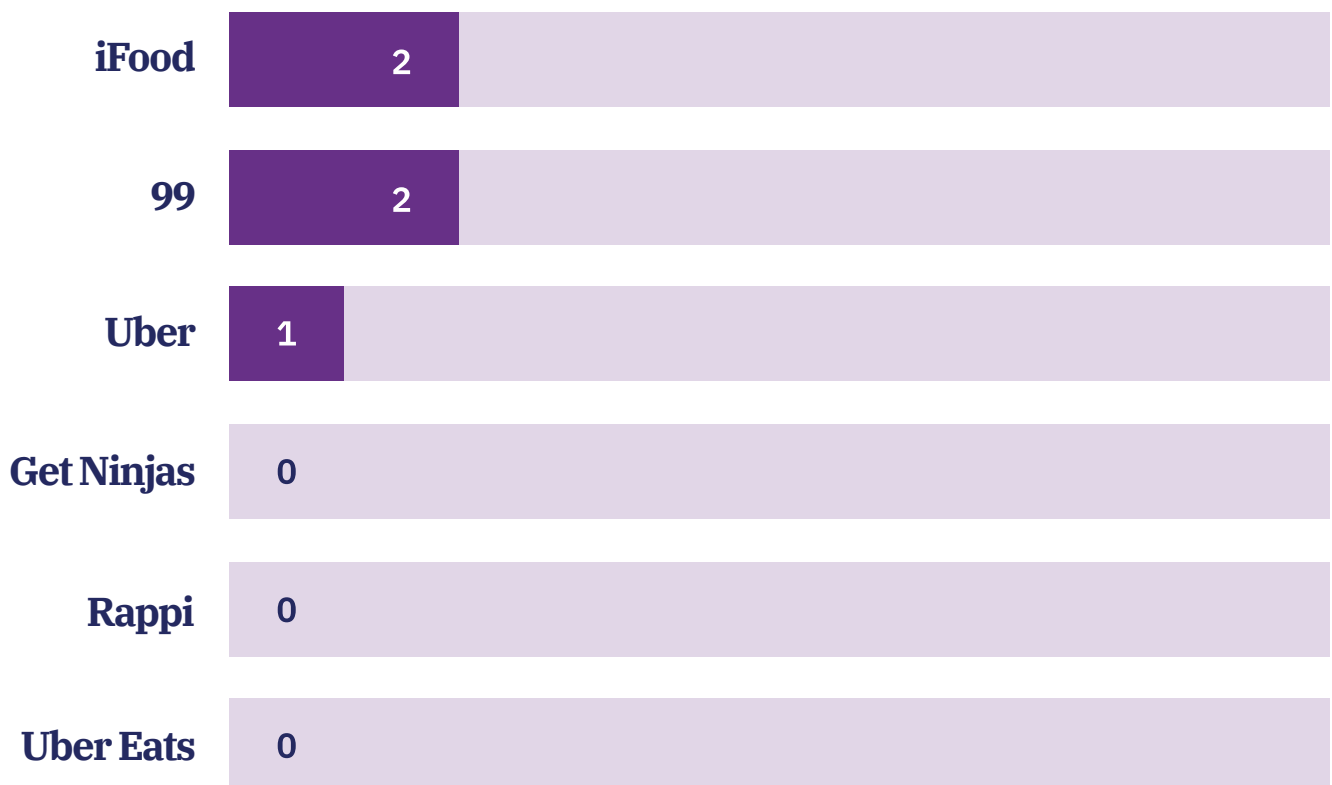
“There are indications in the Brazilian Labour Law that many platform workers should actually be classified as employees.”

workers. Digital platforms have used these judicial statistics to block the formation of precedents confirming the employee status of platform workers. In order to manipulate the Labour Court decision statistics, platforms have commonly agreed to settlements when court cases were assigned to worker-friendly judges²⁴. As a result, platforms have managed to maintain a greater number of decisions rejecting the recognition of the employment relationship—and thereby to maintain the appearance that the judiciary is consolidating interpretations and decisions confirming the self-employed status of platform workers²⁵.

Fairwork Brazil

Scores 2021

Score (out of 10)



* The breakdown of scores for individual platforms can be seen at: <https://fair.work/br>



Fair Pay

➤ Only one of the platforms (99) could evidence that workers earn at least the local minimum wage, which in 2021 was R\$ 5,50/hour / R\$1.212/month (2021), after subtraction of work-related costs. In addition, 99 released a public statement guaranteeing that no worker on the platform earns less than the local minimum wage²⁶. When assessing whether workers on a platform earned the local minimum wage, not only the amount paid by the platform to the worker for hours worked, but also the cost for task-specific equipment as and other work-related costs that workers had to pay out of their own pocket were taken into consideration. The wage calculations also factored in waiting times between jobs, which should be paid for by platforms. Most platforms, however, fail to meet this basic threshold as they do not have a wage floor, and/or charge high commissions. For example, GetNinjas requires workers to buy 'coins' to be able to access job offers on the platforms. Pay rates and working hours are also highly volatile, leading to a high income insecurity for workers.

➤ No platform was able to prove that all workers received the living wage for all their active hours, after costs. The living wage is calculated in Brazil by DIEESE as R\$24.16 per hour/ R\$5,315.74 per month. Reassurance and security to workers in line with government guidelines, with relatively minor impacts on or changes required of the platform.



Fair Conditions

➤ Two platforms (Uber and 99) were able to evidence actions to protect workers from task-specific risks, though other platforms pointed to ongoing and planned projects to address such risks. Good practices involved eliminating barriers to access personal protective equipment (PPE) and provision of clear insurance policies. While some other platforms offer PPE, workers face many barriers (e.g., distance) to accessing them. Another recurring complaint is the lack of basic infrastructure such as access to bathrooms, rest areas, and drinking water. The main safety and health risks, according to the workers, are traffic accidents, assaults, excessive exposure to the sun, back problems, stress, and mental suffering. Platforms need to take action to actively mitigate these risks.

➤ No platform has been able to evidence measure for actively improving working conditions. iFood is however providing workers opportunities for training and professional development, for example in the area finances.



Fair Contracts

➤ Only one platform (iFood) was able to evidence adherence to the basic standards for fair contracts. As a result of their involvement with Fairwork, iFood, introduced accessible terms and conditions with illustrations. However, the issue of accessible terms of service still represents a challenge for platform workers in Brazil. Most platforms failed to achieve the basic point for fair contracts. To achieve this point, platforms need to provide a contract that is communicated in clear, comprehensible language, and accessible to workers at all times. Moreover, platforms need to notify workers of proposed changes within a reasonable timeframe, another condition that five out of the six studied platforms did not fulfil. iFood also reviewed the content of its terms and conditions, making clearer that all changes are going to be made with the previous 30-day notice.

➤ No platform was able to evidence that their contracts were free of unfair terms and that they do not unreasonably exclude liability on the part of the platform. Netherlands. These contracts stipulate their governing law as that of the Netherlands. This makes it extremely difficult for workers to take legal action or disputes against platforms in their local jurisdiction.



Fair Management

None of the evaluated platforms was able to provide evidence of a formal and clear appeal process for workers. Arbitrary termination or deactivation is a big concern for gig workers. That's why we assess whether platforms have due process for decisions affecting workers. The Fairwork scoring system stipulates that platforms must clearly state their policies for disciplinary actions and deactivation in their terms and conditions, as well as provide clear processes for workers to appeal. On a positive note, Uber has in 2021 further codified and expanded their online deactivation policy, thereby taking one important step towards meeting the basic standards for fair management.

None of the studied platforms were able to provide evidence of measures for ensuring equity in the management process, and/or of measures for promoting the inclusion of marginalised or disadvantaged groups. We therefore strongly encourage platforms to implement measures, such as policies anti-discrimination and practical measures to promote equality of opportunity for workers from disadvantaged groups. Both platforms due to their extensive anti-discrimination policies and enforcement mechanisms.























Fair Representation

Being able to freely organise is a key workplace right in most countries. In the Brazilian platform economy, there is still much that needs to be done to improve conditions in this regard. One of the platforms (iFood) could point to meaningful worker voice mechanisms, showing that, following widespread strike actions, they had met with labour organisers. Moreover, with the creation of Riders' Forum, iFood has instituted a channel through which collective worker voice can be expressed. We hope that iFood will continue and further expand this initiative to include as many organisers as possible.

Most platforms do not have a documented policy that recognizes collective worker' organisation and voice. Several workers report that they have already been penalised for participating in strikes. We therefore call upon all platforms to respect and assure workers' rights to freedom of association and collective organisation.

Platform in Focus:

iFood

				Total			
	Principle 1: Fair Pay		Pays at least the local minimum wage after costs		Pays at least a local living wage after costs		0 POINTS
	Principle 2: Fair Conditions		Mitigates task-specific risks		Actively improves working conditions		0 POINTS
	Principle 3: Fair Contracts		Provides clear and transparent terms and conditions		Does not impose unfair contract terms		1 POINT
	Principle 4: Fair Management		Provides due process for decisions affecting workers		Prevents discrimination and promotes equity		0 POINTS
	Principle 5: Fair Representation		Includes freedom of association and worker voice mechanisms		Recognises collective body that can undertake collective representation and bargaining		1 POINT

iFood overall score

 **02/10**

iFood is a Brazilian delivery company created in 1997²⁷ under the name “Disk Cook”, which received food orders by phone from a printed catalogue of restaurant menus distributed to consumers²⁸. The orders, once received by the call centre, were faxed to the restaurants and the company communicated with the delivery workers via radio (Nextel). In 2011, the company received its first investment from the venture capital company Warehouse and created the iFood brand³⁰.

In 2012, the company established its digital platform and launched its website and smartphone app, receiving additional investments from Brazilian venture capital company Movile in 2013, which took control in the years that followed³¹. The parent company merged iFood with other delivery companies, including Restaurante Web,

Spoon Rocket and Rapiddo, though retaining, as of the beginning of 2022, only Brazil and Colombia³². iFood offers an on-demand delivery service that allows its users to shop at restaurants, markets, pharmacies, among others, and to request the transport of goods to a certain location by a delivery worker. The company treats the two services separately, and restaurants can maintain their own delivery service while using iFood just as an advertising and sales platform. Although in practice the company started out as a delivery-menu publishing company, iFood now presents itself only as a technology company.

iFood dominates between 68% and 86% of the delivery sector in Brazil,³³ with 170,000 delivery workers registered on the platform in March 2020³⁴. The Brazilian Administrative Council for Economic Defence (CADE)

has already taken steps to limit the company’s domination of the Brazilian market. Brazilian law determines that a company is in a dominant position when it commands 20% or more of a market sector, that is, when it is in a position to change market conditions alone.

iFood operates two delivery models: “Cloud” and “Logistic Operator” (LO). With the Cloud contracting model, delivery workers are managed by the iFood platform, with no predetermination of shifts and geographical work region. With the Logistic Operator contracting model, delivery workers are supervised by a third-party company that determines the work shifts and the work region. None of the workers—regardless of how they are controlled—are considered as employees by the platform.

Due to bad working conditions and the high concentration of the delivery market, iFood is often the main target of delivery workers' strikes. Restaurants and supermarkets are also subject to the conditions imposed by iFood, albeit to a lesser extent than delivery workers. This is evident in the appeals of the Brazilian Association of Bars and Restaurants to the Administrative Council for Economic Defence (CADE), seeking to end the exclusivity contracts required by iFood. More recently, other delivery platforms, such as Rappi, have also pressed charges against iFood in CADE, alleging the existence of a monopoly by the platform³⁵.

At the time of writing, iFood was unable to present sufficient evidence that all its workers earn above the minimum wage after costs (R\$5.50 per hour). This was in line with what we found from our interviews with workers. For this reason, iFood did not score a point for principle 1.1 (and therefore neither for 1.2).

Regarding fair conditions, iFood also demonstrated ongoing efforts to mitigate task-specific risks. However, these efforts—such as a project to establish partnerships with gas stations and support points offering water and PPE for couriers—are still in the early stages of implementation. iFood expects to complete the project this year. Health risks associated with work were a concern voiced by the workers we interviewed, who cited the difficulty of getting personal protective equipment from the platform. For this reason, iFood has not yet been able to score 2.1 (and therefore neither 2.2).

As a result of its engagement with Fairwork, iFood did create a more accessible version of its contracts, using illustrations and flowcharts to present the content. For this reason, the platform scored principle 3.1. However, the iFood contract has clauses that unjustifiably exclude liability for working conditions. Moreover, the contract states that workers can only file legal claims for conflict resolution against the platform in the labour court of São Paulo. As a

result, workers from other cities may face severe difficulties in filing a lawsuit against iFood. Thus, the platform could not score principle 3.2.

Regarding fair management, iFood could not provide evidence of complying with the basic standards defined in principle 4.1. There are clear deficits particularly in relation to fair deactivation policies and communication processes, with workers complaining to us about unfair deactivation by the platform, and that the communication channel is inadequate: “I spoke to a machine, not to a person.” Some workers said that they had already been deactivated due to alleged misuse of the platform, but that they were unable to appeal. While workers can send a message to the platform (which, according to iFood, will be responded to within 48 hours on average), workers reported

that there are often delays in responses or that messages remain unanswered. For this reason, iFood did not score the basic point for fair management (4.1) and therefore couldn't be awarded the advanced point (4.2) either.

During its engagement with Fairwork, iFood opened a channel of communication with some delivery worker organisers in the form of worker forums. Thus, the platform scored principle 5.1, which requires platforms to establish mechanisms for worker voice. But in the face of continued protests by workers against the platform in many cities across the country, much remains to be done in terms of fair representation. For this reason, iFood did not score principle 5.2. We encourage iFood to listen to the demands of the various delivery worker groups across Brazil, and to negotiate with its workers in good faith.



Rafael Vilela/ Fairwork

Workers' Stories



Maria

23, *GetNinjas*

Maria* is a black woman who uses the platform GetNinjas to increase her outreach to potential clients for her illustration and character design services. When she spoke with us she had been working for the platform for five months. She was also studying at the university, and had previously worked as a freelancer. Maria was forced to buy what the platform calls “coins” in order to offer her services to registered customers, but her experience of the platform has been terrible—“the platform doesn’t have an efficient Customer Service, responses are often delayed, there have been unauthorised charges to my account, the platform dynamic is not good.” One of her biggest difficulties is the way you

get customers on the platform. The problem is that “the customer doesn’t always answer you; sometimes, they don’t respond to the message. It’s like a shot in the dark; we pay the platform to access job offers but we don’t know if we will actually receive the job in the end, or if we will get paid by the customer.” Maria spends about an hour each time carefully choosing jobs to apply for, to avoid wasting “coins”. This time she spends is necessary, but not remunerated. She also has to bear several other costs to work for the platform, including “the cost and value of buying coins, spending on electricity, internet, maintenance of materials—as I work from home.”

***Names changed to protect worker identity**



Antônio*

39, *UberEats*

“At first, we feel like our own boss, but when you see a series of things happening... accidents..., you worked until three, four o’clock in the morning and the next day the platform deactivate you, because it says there that you infringed something. You see that, in reality, you are just another employee, without any rights”. This is how our conversation with Antônio*, 39 years old, married, father of a one-year-old baby, UberEats delivery worker, begins. He lost his job as a cultural educator because of the Covid-19 pandemic and his only

alternative to generate income was working as delivery worker: “I have been working because, like the people of this planet, we have no perspective related to work, even more so in this pandemic”. His hope is that things will improve, and he can return to his normal job. He considers the platform work a temporary job: “But it’s not something I consider as a job in the long-term, it’s a gig, getting back to normal, I want to go back to work in my area, not just me, but most people who work with UberEats nowadays”.

***Names changed to protect worker identity**



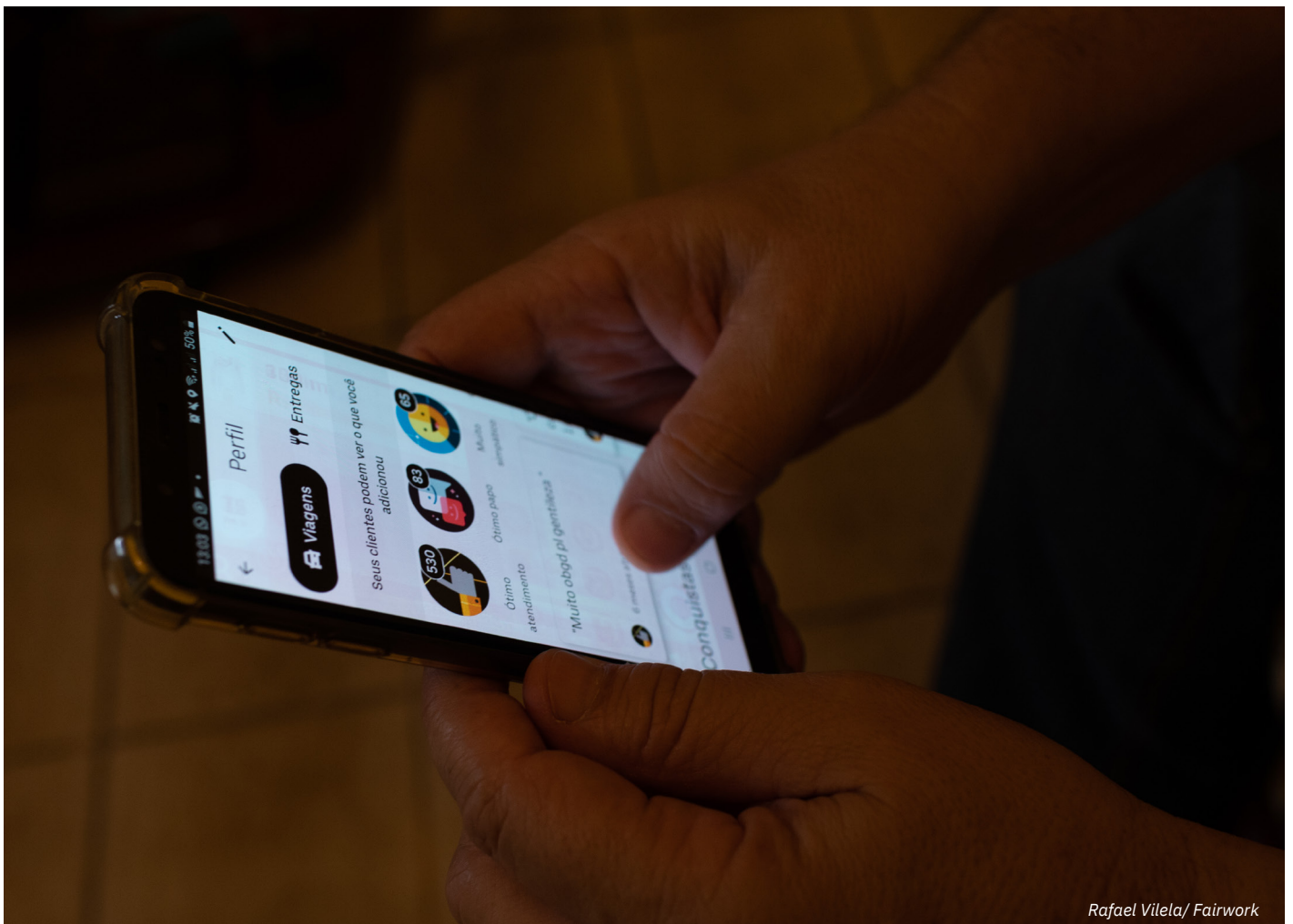
Carlos

26, iFood

Carlos* is married and dreams of opening his own business. He was a cook at a restaurant in São Paulo, but left in order to study and have a more flexible schedule. Since the beginning of 2020, he has been an iFood delivery worker, and has also worked for Uber Eats and Rappi. For Carlos, the only advantage is the flexibility of hours, and he says: “I don’t plan to continue working with delivery platforms, it just helps me get where I plan to.” One of his biggest challenges is making sure he has some money left over after covering fuel, food and other expenses for the week. In this platform work, Carlos explains, the risks

are greater than before because of “traffic, risk of falling, having an accident and being stopped, not being able to work, there is no help. You don’t have a formal contract, you don’t have insurance. There is no one to complain to.” Carlos says that the most uncomfortable thing is working 10 hours a day and being on the street, “not having a place to relieve [yourself], a bathroom, lunch.” Regarding his contract with the platforms, Carlos repeats what we heard from all the interviewees: “I accepted the terms and conditions of the platform, but I didn’t read everything and I don’t have a copy.”

***Names changed to protect worker identity**





Pedro

52, Uber

Pedro* has only completed high school, declares himself mixed race, has a daughter, and lives in Porto Alegre. Working as a platform driver is his main source of income: “it’s something I need to survive,” he says. The intense working hours of 8–12 continuous hours a day are not pleasant, but necessary. He says the activity often doesn’t allow for bathroom breaks or conversations with colleagues. “I have goals... if I don’t work I don’t get paid. Uber creates a bond, whether it wants to or not.” Pedro recognizes that he is not his own boss, and understands that the algorithms are a way

the platform exerts control over work. “The system itself manipulates you,” he says. He cites as examples platform deactivation or exclusion from promotions that the platform organises. “Uber behaves as if the car is theirs, but it’s mine.” It’s not possible to cancel a ride by choice, even when there are strong reasons for cancelling such as lack of security in the drop-off region, passengers not wearing masks. or children without travel seats. For Pedro, the driver should have more voice on the platform, because “it is the driver who makes the platform.”

***Names changed to protect worker identity**



Theme in Focus:

COVID-19 and Workers' Struggles

By the end of 2021, the Covid-19 pandemic in Brazil had resulted in more than 2,000,000 confirmed cases of the disease, and almost 620,000 deaths³⁶. The health collapse caused by the pandemic took place in a multifaceted context of economic, political, and social crises. The unemployment rate was over 12% in the third quarter of 2021,³⁷ and in the first quarter of the same year, more than 40% of workers were in the informal sector³⁸. During the lockdown, in 2020, the delivery business served 66.6% of the population³⁹, and concentrated half of all profits generated in the sector⁴⁰.

Despite the great economic growth of the sector, payments to workers were not adjusted. On the contrary, as a result of the rise in demand for delivery services, pressure increased on workers, putting their physical and mental health at risk⁴¹. Urban violence also aroused indignation among delivery workers, with workers reporting a lack of compensation in the case of work vehicles being stolen. Workers' insecurity is further accentuated by the fact that many platforms exclude themselves from any liability for damages.

In another dimension of work-related risks, Brazil reported more than 30,000 deaths resulting from traffic accidents in 2020—despite the reduction in vehicles circulating during the pandemic⁴². According to the World Health Organisation (WHO), Brazil had more deaths resulting from traffic than from violent crimes in the first half of 2020, coming fourth in the world ranking of fatal victims in traffic⁴³.

Workers in the transport sector, which includes taxi, bus and platform drivers, accounted for 3.2% of deaths from Covid-19 in São Paulo between March 2020 and 2021⁴⁴.

Many workers interviewed by Fairwork suffered traffic accidents while on the job, and of these, all had to bear the costs. Workers also reported that while masks and disinfectant were offered by some platforms during the pandemic, to pick up this protective equipment workers were required to drive to a distant location (often to another city), and the platform did not bear the costs of travel.

Regarding psychological risks, feelings of loneliness among platform workers during the pandemic were a significant factor. With the isolation rules, groups of riders and drivers who used to meet during meals saw their contact with colleagues reduced to conversations via social media. In this regard, workers continually stress the importance of

having a social support network for their mental health. In these networks, workers share practical issues around routine work, talk about their feelings, and organise mobilisations. Although social media is an active space for these exchanges, the Covid-19 pandemic has had an impact by limiting face-to-face meetings.

Man of the delivery and ride-hailing workers we interviewed mentioned that the dangerous nature of their work—which comes with serious accident risks—generates physical and mental health problems. According to workers, this is a consequence of the pressure they are subjected to at work, in addition to the fact that platforms do not offer social protection or health insurance in the event of accidents or illness, as we have already noted. It should also be noted that 2017 saw significant labour reform in Brazil. With these changes, the possibilities for platforms to avoid employer responsibility were



strengthened, through the legitimization of autonomous, intermittent, and outsourced work, making platform work even more precarious. Instead of bringing free time to workers, the flexibility inherent to these new types of work relations puts workers in a condition of constant availability.

However, despite the perception of exploitation and the difficulties of platform work, most of the workers we interviewed were sceptical regarding collective organisation. Despite having participated in some strikes, they told us that changes in working conditions on platforms only address very specific problems that attract public attention through the traditional media or social media. Public attention for platform workers' issues reached its peak with the country-wide strikes of delivery workers in Brazil in 2020⁴⁵, which included protests in several cities. Delivery workers turned off their apps for a few hours a day as a form of protest, and they asked consumers to rate platforms negatively in app stores. The workers' demanded an increase of the minimum value per task, benefits such as meal vouchers

and insurance, the end of deactivations by platforms, and provision of personal protection equipment such as masks and disinfectant⁴⁶.

What is clear from our interviews is that workers emphatically demand basic social protection to work with dignity. Most workers, when asked what they would like to see changed about platform work, mentioned the need for a basic social safety net.

As regards the possibility of regulating platform work in Brazil, the discussion has already advanced to the Brazilian Chamber of Deputies, but it is still far from formulating guidelines that will ensure decent conditions for all platform workers⁴⁷. A first step towards better protection for platform workers was taken by the Brazilian government in early 2022 with the adoption of Bill 14297/2022⁴⁸. This bill defines the rights of delivery workers providing services for platforms during the Covid-19 pandemic. Among other provisions, the law now requires platforms to introduce accident insurance as well as compensation of damages for workers. In addition,

delivery workers diagnosed with Covid-19 now have the right to receive financial support from the platform for an initial period of 15 days. Failure to comply with protection rules can result in punishments ranging from warnings to the payment of fines. Whereas the law therefore establishes important rights for workers, stricter control and enforcement are needed to put these rights into practice.



“What is clear from our interviews is that workers emphatically demand basic social protection to work with dignity.”

Theme in Focus:

Platform Cooperativism in Brazil

Brazil has seen the emergence of small collectives and cooperatives as alternatives to the dominant digital labour platforms⁴⁹, as part of a movement known as platform cooperativism⁵⁰. In view of the precarious conditions that are offered to workers on most hegemonic digital platforms, these self-managed organisations are an increasingly attractive reality, especially after the riders' strikes during the pandemic.

These initiatives are based on the principles of associated work, collective ownership, and mechanisms to seek fair payment, in addition to the construction of workers' own technologies and infrastructures. These associative arrangements are plural and recent: There is no universal blueprint, and cooperatives can take on different forms. In order to explore the characteristics of these collectives, we describe some of the projects currently under construction in Brazil.

In the city of Araraquara, in the state of São Paulo, a local co-op Coomappa launched an urban private transport platform in 2021, supported by the city hall. The Bibi Mob app offers a service similar to other platforms, but aims to ensure more dignified working conditions for drivers⁵¹. The initiative stipulates places for food and use of toilets, greater financial return to workers, and the implementation of support points in busy streets. Such driver assistance is provided

without affecting the cost of the ride to passengers. The app is operated by the city and the workers' cooperative with workers receiving a share of the profits. However, there are some limits to the democratic governance of the platform, since the software infrastructure is owned by a private company⁵².

Also, in relation to urban mobility platforms, Taxi.Rio Cidades⁵³, a taxi app owned by the City of Rio de Janeiro – that is, a public platform – showed an estimated growth of 60% in 2021. Due to the increase in transport prices through platforms, the cooperative has once again become a transportation option for residents of Rio de Janeiro. On the city hall website⁵⁴, the service is presented as distinguishing itself from other platforms by having a selected fleet, which is up to date with its registration obligations, having updated certificates and inspections and a clean record in the judicial bodies. This return to the use of taxis in Brazil, especially as they represent a more economical

option for the customer, has put into question the medium-term viability of the value charged by platforms.

In the general services sector, Contrate Quem Luta (Hire who struggles)⁵⁵ is a virtual assistant created by the Brazilian Homeless Workers' Movement (MTST). Among the services offered, there are different workers in the areas of civil construction, aesthetics, cleaning and domestic work. This initiative emerged from the MTST's technology center, because it understands that income generation is a determining factor for the maintenance of spaces of resistance, especially in a context of high unemployment. This collective, therefore, fulfils a dual function: to promote platform cooperativism and also to be a subsidiary tool of the homeless workers' movement itself.

Among the riders' collectives and coops, initiatives to be highlighted are Pedal Express and Puma Entregas,

both from Porto Alegre, and *Señoritas Courier*, located in São Paulo. *Pedal Express*⁵⁶ is a pioneering initiative that was founded in 2010. The cooperative defines itself as a collective organised horizontally, dividing the tasks among all team members. The cooperative members are divided into three work groups: financial, communication and looking for new customers. On their social media channels, they emphasize: “our work is ours, nobody earns a profit from the work of the other”⁵⁷. In addition, *Pedal Express* only delivers food for vegan and vegetarian restaurants, because it understands that this attitude contributes to the animal protection cause. In an interview⁵⁸, a *Pedal* worker highlighted the relationship of trust established between customers and suppliers: “one of the nice things about *Pedal* is that we work with companies we believe in, not for any company”.

Described as a collective of women delivery workers, *Puma Entregas*⁵⁹ was founded in 2020 and aims to build

partnerships with local small business initiatives. On their social media channels, they claim that the horizontal organisation arises from discontent with commercial platforms due to low pay, the complete lack of security for workers and the fact that women are neglected as delivery workers by establishments that use these services. The use of bicycles is justified as “a political choice”. As propagated by them, “there is an emancipatory potential in the bicycle, which allows the construction of an autonomy of movement at different times and with more security”.

The collective *Señoritas Courier*, which transports products and documents, is made up exclusively of women and LGBTQIA+s. In a documentary produced by the Brazilian Platform Cooperativism Observatory⁶⁰, there are reports of transgender workers who did not have their inscriptions accepted by the dominant platforms. In social media⁶¹, the collective is emphatic in stating that capitalist

platforms dehumanise labour relations. Therefore, platform cooperativism is proposed with the aim of making use of technologies without precarious work. Furthermore, *Señoritas Courier* also dialogues with the principles of a sustainable city. They explain that their platform is an economically viable and sustainable alternative, because it improves the living conditions in the city and for delivery workers. In addition to the last two organisations described above, there are other collectives concerned with gender issues: *Levô*⁶², formed only by women, and *Trans Delivery*, a collective of trans people⁶³.

These collective experiences are indicative of more struggles for decent work in the platform economy in Brazil. All the initiatives mentioned here, with the exception of the taxi service in Rio de Janeiro, which pre-dates the platform economy, arise from workers’ dissatisfaction with the actual state of platformization.



Moving Forward: Platform Changes

Platforms have the ability to improve conditions for their workers, while continuing to provide income opportunities. As an outcome of their involvement with Fairwork, two platforms, 99 and iFood, have already implemented or are planning to implement changes to their policies or practices.

Fair Pay:

99 made a public statement assuring that no worker earns less than minimum wage after costs, and that they are continually reviewing workers' earnings to guarantee that all workers will continue to earn above the minimum wage during their active working hours and after subtracting work-related costs⁶⁴.

Fair Conditions:

99 has updated its policies regarding worker safety on its website, making information about all safety resources such as safety cameras and emergency buttons, easily accessible to drivers and customers. The platform has also made information about the accident insurance it offers for drivers available on their website. In addition, 99 communicated these resources to all drivers through the app.

iFood aims to further expand its support and rest point initiative to major cities in Brazil still in 2022.

Fair Contracts:

iFood created accessible and illustrated terms and conditions. The platform also reviewed the content of its terms and conditions to clarify that all changes are subject to a 30-day notice to workers.

Fair Management:

This year, **99** will implement a new policy on deactivation aiming to enhance transparency for workers.

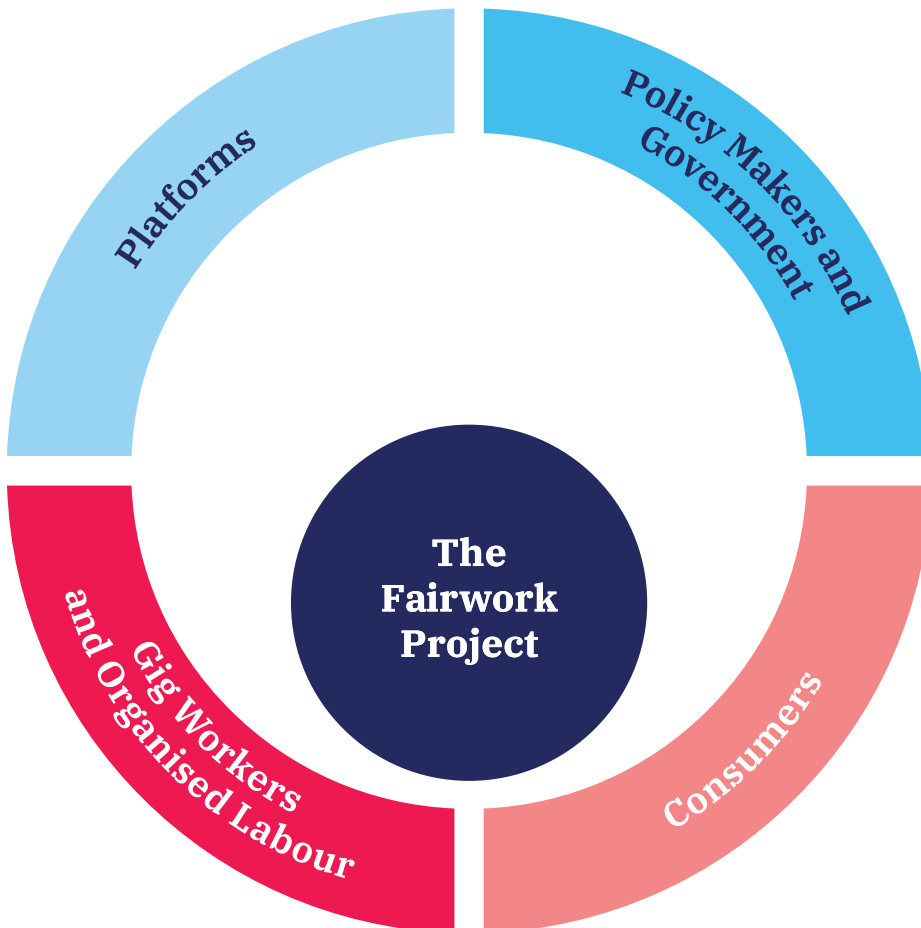
Fair Representation:

iFood created a "Riders' Forum" to initiate collective dialogue with delivery worker organisers and activists.



Moving Forward: Pathways of Change

This is the first annual round of Fairwork ratings for Brazilian platforms, and we are seeing impact begin to build. As Fairwork's reach and visibility increases, we see four avenues for contributing to continued improvement in the Brazilian gig economy (see Figure 1).



Fairwork's Pathways to Change

Our first and most direct pathway to improving working conditions in the gig economy is by engaging directly with platforms operating in Brazil. Many platforms are aware of our research, and eager to improve their performance relative to last year, and to other platforms.

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 is in continuous conversations with policy makers, the Public Ministry of Labour, labour judges, unions, union centrals and social movements. For example, the Fairwork principles and methodology were presented to the Chamber of Deputies in Brazil in a public hearing in November 2021⁶⁵, and we expect the creation of bills based on Fairwork principles. In coming years, at Fairwork, we will continue our policy advocacy efforts to help ensure that workers' needs, and

platforms' business imperatives are effectively balanced.

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

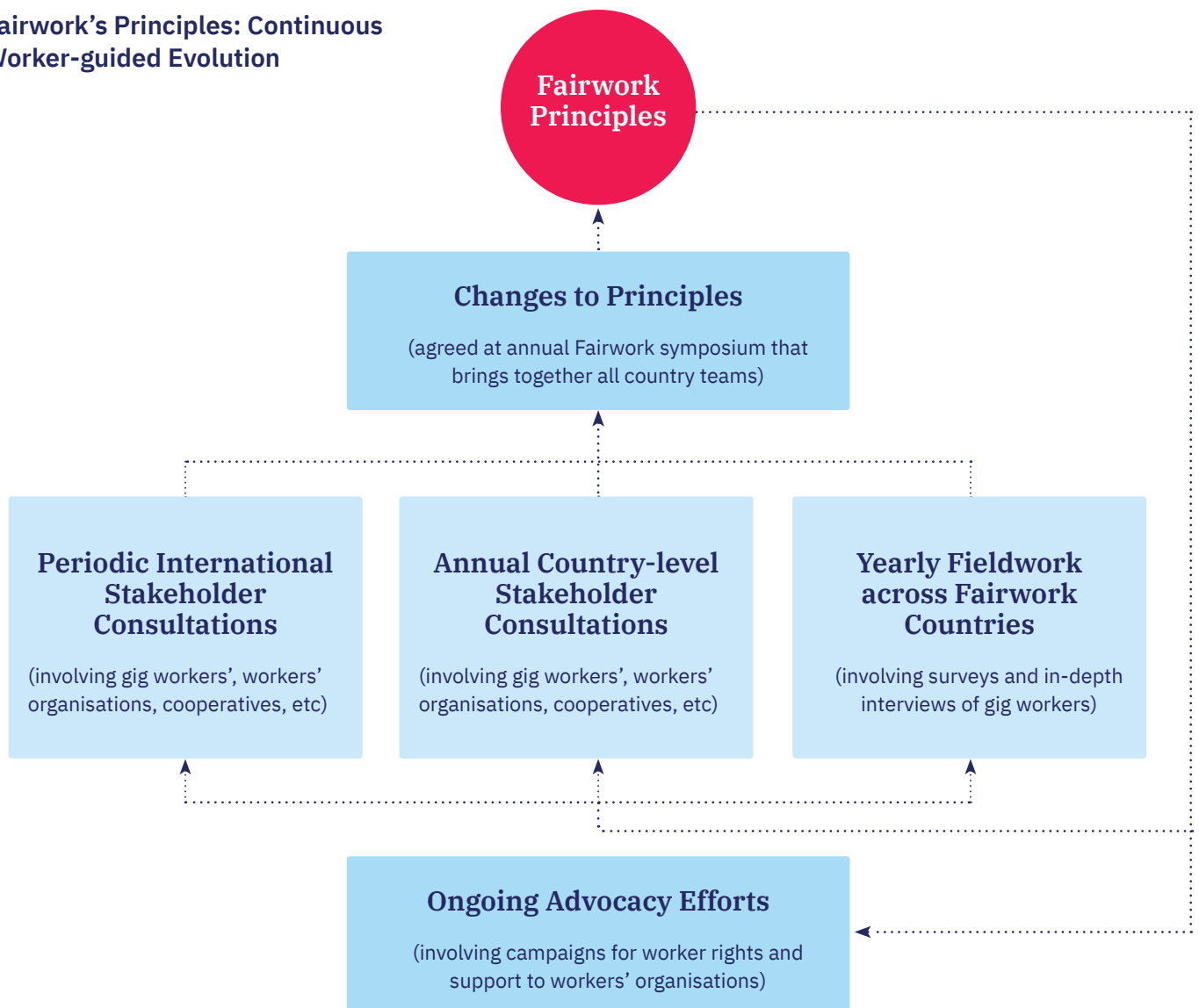
continual engagement with workers' representatives and advocates, we aim to support workers in asserting their rights and requirements in a collective way.

A key challenge in the gig economy is that workers are often isolated, atomised, and placed in competition with one another. The platform work model presents challenges for workers to connect and create solidarity networks. But many of the workers we talked to are already starting to organise. First and foremost, we are seeing the emergence of WhatsApp and Facebook groups initiated and run

by workers. Our interviewees have all highlighted the importance of these networks for information sharing and discussion of working conditions. Our principles can provide a starting point for envisioning a fairer future of work, and setting out a pathway to realising that. Principle five in particular, on the importance of fair representation, is a crucial way in which we aim to support workers to assert their collective agency.

There is nothing inevitable about poor working conditions in the gig economy. Notwithstanding their claims to the contrary, platforms have substantial

Fairwork's Principles: Continuous Worker-guided Evolution



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 gig 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 gig 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 of engagement: The 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. A second level of engagement 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 on the Fairwork Pledge and how to sign up at <https://fair.work/pledge>



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 meetings with local stakeholders.






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. 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 2020 and November 2021, and are valid until November 2022.

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





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 vehicle⁶⁶. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage⁶⁷. 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 hours⁶⁸. 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.

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^{69,70}.

Table 2 Weekly earnings table

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

Notes: h = Average active hours worked by worker per week; e = Average weekly earnings of worker; F = the number of hours in a local standard working week; M = the local weekly minimum wage, calculated at F hours per week. 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%; 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.



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 them⁷¹.

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks.

Threshold 2.2 – Actively improves working conditions (one additional point)

Beyond minimising risks that workers may face to their health and safety in the course of their work, platforms have the ability to proactively improve health and safety and working conditions. This may be through provision of training, wellbeing initiatives, health insurance, and other measures. To achieve this point platforms must demonstrate a proactive effort to improve workers' experiences.

The platform must satisfy BOTH of the following:

- There is a documented policy (or policies) that promotes the health and safety of workers or improves working conditions, going beyond addressing task-specific risks.



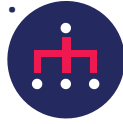
Principle 3: Fair Contracts

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 workers⁷². 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 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.



Principle 4: Fair Management

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.

Threshold 4.1 – Provides due process for decisions affecting workers

Platform workers can be vulnerable to sudden termination (deactivation), and loss of income, often without due process. Workers may be subject to unfair penalties or disciplinary decisions and may lack the ability to contact the platform to challenge or appeal them. To achieve this point, platforms must demonstrate that workers can meaningfully appeal disciplinary actions.

The platform must satisfy ALL of the following:

- The contract includes a documented channel for workers to communicate with a designated representative of the platform; and,
- The contract includes a documented process for workers to appeal disciplinary decisions or deactivations; and,
- The platform interface features a channel for workers to communicate with the platform; and,
- The platform interface features a process for workers to appeal disciplinary decisions or deactivations; and,
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.

Threshold 4.2 – Prevents discrimination and promotes equity (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities through their design and management. To achieve this point, platforms must show that they have policies to minimise risks of users discriminating against workers, and that workers are assured that they will not be disadvantaged through management processes. If a traditionally disadvantaged group is significantly underrepresented on their platform, steps are taken by the platform to identify and remove barriers to inclusion.

The platform must satisfy ALL of the following:

- It has a policy which guarantees that the platform will not discriminate against persons on the grounds of race, gender, sex, sexual orientation, gender identity, disability, religion or belief, age or any other status which is protected against discrimination in local law; and,
- Where persons from a disadvantaged group (such as women) are significantly underrepresented among its workers, it has a plan to identify and remove barriers to access by persons from that group, resulting in improved representation; and
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief; and
- 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; and

- It has mechanisms to reduce the risk of users discriminating against any group of workers in accessing and carrying out work.

Principle 5: Fair Representation

Threshold 5.1 – Includes freedom of association and worker voice mechanisms (one point)

The right of workers to freely associate is enshrined in the constitution of the International Labour Organisation and the Universal Declaration of Human Rights⁷³. To achieve this point platforms must demonstrate that they observe this right, by ensuring that workers can collectively communicate their wishes and concerns to the platform. They must not hamper or prevent workers' freedom of association, or penalise workers for associating or expressing demands.

Platforms must satisfy the following:

- There is a documented process for the expression of worker voice.

Threshold 5.2 – Recognises collective body that can undertake collective representation and bargaining (one additional point)

For workers to meaningfully have a voice in determining their working conditions, they must be able to bargain with the platform through a collective or representative body. The platform must recognise this collective body, and make itself available for good faith negotiations. In most cases, such bodies do not yet exist in the platform economy. Where that is the case, the platform should publicly state its willingness to recognise a collective body if one is formed.

The platform must satisfy BOTH of the following:

- Publicly recognise an independent, collective body of workers or trade union and not have refused to participate in collective representation or bargaining; If such a body does not exist, it must:
- Sign a public statement of its willingness to recognise a collective body of workers or trade union.

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Authors:

Rafael Grohmann, Kelle Howson, Claudia Nociolini Rebecchi, Julice Salvagni, Marcos Aragão, Roseli Figaro, Rodrigo Carelli, Victória da Silva, Ludmila Costhek Abílio, Ana Flávia Marques, Camilla Voigt Battistela, Jacqueline Gameleira, Helena Farias, Mark Graham and Tatiana López Ayala

Fairwork Team:

Daniel Abs, Pablo Aguera Reneses, İftikhar Ahmad, Gina Alaschkar, Maria Belen Albornoz, Luis Pablo Alonzo,

Moritz Altenried, Oğuz Alyanak, Branka Andjelkovic, Thomas Anning-Dorson, Marcos Aragão, María Arnal, Arturo Arriagada, Daniel Arubayi, Tat Chor Au-Yeung, Marina Benedine, Ariane Berthoin Antal, Alessio Bertolini, Gautam Bhatia, Richard Boateng, Manuela Bojadzije, Macarena Bomhomme, Ameline Bordas, Maren Borkert, Álvaro Briaes, Joseph Budu, Callum Cant, Rodrigo Carelli, Eduardo Carrillo, NourJihan Chammah, Chris King Chi Chan, Henry Chavez, Aradhana Cherupara Vadakkethil, 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, Nagham El Houssamy, Haya El Zayat, Dana ElBashbisy, Batoul ElMehdar, Elisa Errico, Fabian Ferrari, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Jackeline Gameleira, Pia Garavaglia, Chana Garcia, Sharon Geeling, Farah Ghazal, Anita Ghazi Rahman, Navneet Gidda, Shikoh Gitau, Slobodan Golusin, Mark Graham, Markus Griesser, Rafael Grohmann, Martin Gruber-Risak, Julieta Haidar, Sayema Haque Bidisha, Khadiga Hassan, Richard Heeks, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Benjamin Herr, Salma Hindy, Kelle Howson, Francisco Ibáñez, Sehrish Irfan, Shahidul Islam, Tanja Jakobi, Athar Jameel, Hannah Johnston, Zeynep Karlidag, Lucas Katera, Srujana Katta, Mishal Khan, Maja Kovac, Martin Krzywdzinski, Amelinda Pandu Kusumaningtyas, Arturo Lahera-Sánchez, Joy-Eveline Leeuw, Sebastian Lew, Jorge Leyton, Tatiana López Ayala, Raiyaan Mahbub, Amruta Mahuli, Melissa Malala, Oscar Javier Maldonado, Shabana Malik, Laura Clemencia Mantilla León, Claudia Marà, Ana Flavia Marques,

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66. 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.
67. The ILO defines minimum wage as the “minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an

individual contract.” Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO’s Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

68. 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.
69. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.
70. 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 above.
71. 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.”
72. 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.
73. 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.



Fairwork

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