



Fairwork **Belgium** Ratings 2022: Labour Standards in the Platform Economy



Executive Summary

The growth of the platform economy in Belgium, although less rapid than in its neighbouring countries, has triggered heated debates around workers' legal classification and their protection. The structures for collective employment regulations and strong trade unions under the Ghent system provide some protections for workers, but in the specific context of the platform economy, they do not always translate into fairer working conditions. The lack of guaranteed minimum wage and social security coverage for self-employed workers in the platform economy results in underpaid and unpaid labour. Falling outside the scope of collective sectoral agreements, platform work is also linked to lack of job protection and lack of collective voice. This study by the Fairwork Belgium team sheds light on the working conditions of platform workers and makes practical suggestions for improving them.

This report presents the first set of Fairwork ratings for Belgium, and establishes a baseline for the country's platform economy that will be updated on a yearly basis. Five platforms in the food delivery, care, and domestic services sectors were evaluated against five Principles of Fairwork, and given a score out of ten.

The scoring process involved desk research, interviews with platform workers to gather insights into their work experiences and working conditions, and interviews with platform managers to gain knowledge on platforms' operations and evidence for each of the Fairwork principles. Final scores were collectively decided by the Fairwork Belgium team, based on all three forms of evidence and reviewed by Fairwork researchers from other country teams.

Key Findings

- ▲ The five platforms we evaluated achieved scores ranging from zero to five out of ten, showing

a large variability in the fairness of the work offered by digital platforms in Belgium. Only two platforms achieved higher scores (Ring Twice: 4, and Takeaway: 6), while others failed to evidence that basic standards of fairness are met.

- ▲ **Fair Pay:** Only two platforms (Takeaway and Ring Twice) could show that they guarantee their workers at least the minimum wage after costs. Ring Twice, which relies on self-employment and peer-to-peer worker statuses, sets 'technical minima', i.e. a wage floor for each of the occupations available on the platform. Takeaway, on the other hand, hires its couriers (whether as direct employees or through temporary work agencies) and therefore follows minima set by sectoral agreements. There continue to be many workers on other platforms that take home less than the hourly minimum wage after costs.

- ▲ **Fair Conditions:** Only one

platform (Takeaway) could evidence that they offer protection against work-related risks and incapacity to work. Although a basic insurance scheme is available on both Ring Twice and Deliveroo, they could not be awarded the point as they fail to offer a 'work accident' insurance, covering only peer-to-peer workers (Ring Twice), or their insurance coverage is insufficient, not covering material costs (damage to phones, bikes), and lacking a motor vehicle insurance (Deliveroo). Other platforms could not show that they provide workers with an effective safety net.

- ▲ **Fair Contracts:** Three platforms (Deliveroo, Ring Twice and Takeaway) could evidence that they provide terms and conditions in a clear, transparent and accessible form. Of these, only Takeaway's terms proved to genuinely reflect the nature of the relationship between the platform and its workers. In the case of the other

platforms evaluated, there is a need to implement changes in their contracts and establish relationships with workers that are in line with national regulations.

▲ **Fair Management:** Although all platforms reviewed have communication channels allowing workers to interact with a human representative, only two (Ring Twice and Takeaway) evidenced effective due process

for decisions affecting workers. Moreover, only Ring Twice provided evidence of ensuring equity in the management process. Thus, more efforts are needed to improve fair management on platforms.

▲ **Fair Representation:** None of the evaluated platforms fully met the principle of fair representation. Deliveroo evidenced the recent establishment of an internal workers' representation body,

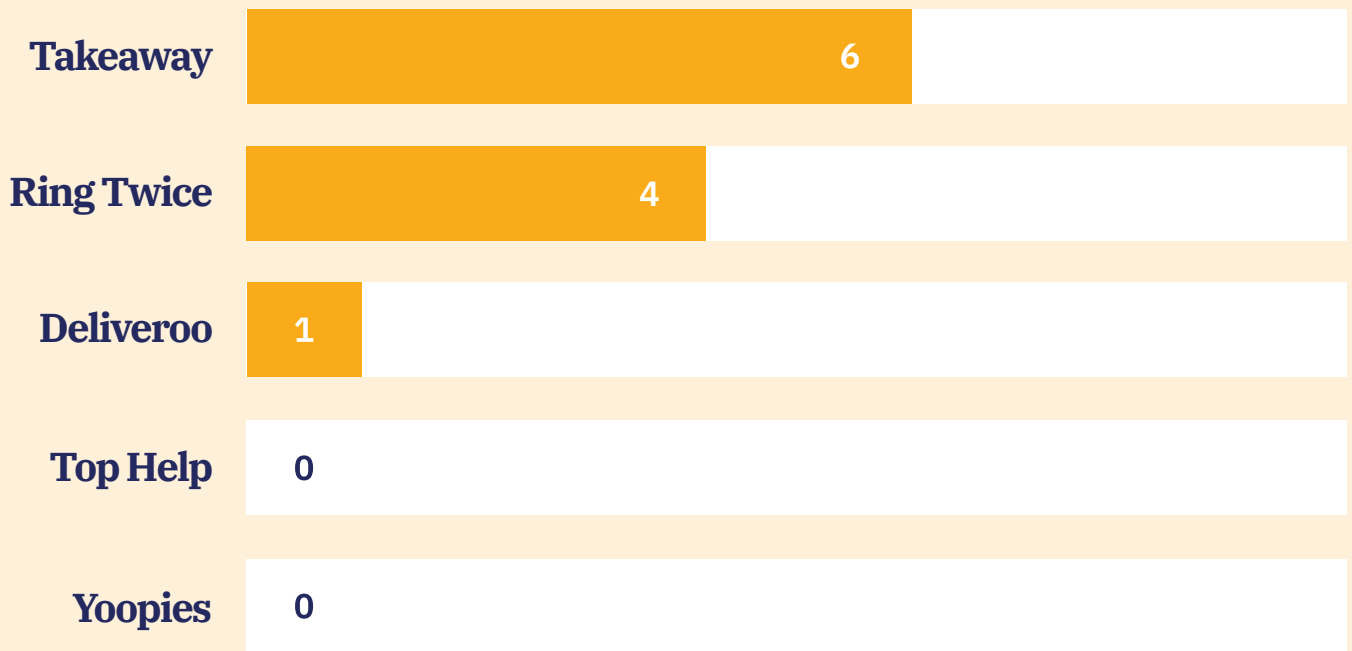
but the platform could not be awarded the point as it did not evidence any willingness to recognise, or bargain with, a trade union. As for Ring Twice and Takeaway, evidence of solid relations with national trade unions was deemed insufficient to award the point. Findings on this principle point to the fact that most Belgian platform workers have little or no influence over the decisions that impact their jobs.



Stefan Lambauer / Shutterstockwork

Fairwork Belgium Scores 2022

Score (out of 10)



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

Editorial:

Asking Respect and Fair Conditions for Platform Workers

The growth of the platform economy in Belgium has spurred heated debates around workers' legal classification and ensuing protection. Some platform workers, such as Deliveroo couriers, have mobilised to protest against the unfair social conditions, the long unpaid waiting time and the lack of communication and respect they receive from the platform management they work for, as well as from restaurants and customers. Fairwork Belgium aims to shed light on the working conditions of platform workers and make practical suggestions for improving them, in order to enhance respect and dignity of workers.

The Fairwork project, after launching in India and South Africa in 2019, has expanded its research activities to 26 other countries since - last year to Belgium. The research group on Employment (Industrial) Relations and Labour Market at the Centre for Sociological Research (CESO) at the KU Leuven, together with the Oxford Internet Institute (OII) at the University of Oxford, are now implementing the Fairwork rating scheme in Belgium. We are particularly grateful for the support of both the European Research Council (ERC) to the ResPecTMe project (under the European Union's Horizon 2020 research and innovation programme Grant agreement n° 833577) and the Flemish Research Council (FWO – Grant agreement funders G073919N).

The analysis we present in this report is founded upon five core principles of fair platform work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Each principle is divided into two thresholds. We have awarded scores out of 10 to a platform based on whether they meet the basic threshold (1 point) and then achieve the higher threshold (1 additional point) for each of these five principles. The first two principles concern whether workers receive a fair pay for their work and if health and safety rules are followed. The three other principles focus on whether the platform has engaged in a fair contractual agreement with workers; whether there are clear and transparent management processes

and communication channels; and whether workers are able to express themselves collectively through open worker representation.

We have assessed evidence against each of these Fairwork principles through a combination of desk research, interviews with platform workers, and semi-structured interviews with platform managers in Belgium. We acknowledge that, due to the dynamic nature of the platform economy and data confidentiality, reliable information can be difficult to obtain. We have therefore only awarded a point when there was clear and sufficient evidence in support of a principle. This means that, in cases where platform management was not

available to engage with us, we scored on the basis of evidence collected through worker interviews and desk research.

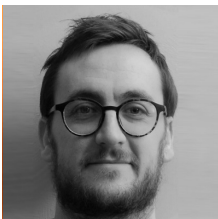
Our findings indicate that while Belgium—which is characterised by relatively encompassing structures for collective employment regulations and strong trade unions under the Ghent system—provides some protections for workers, this does not always translate into fairer working conditions in the platform economy. This discrepancy is perhaps not a surprise, given the recent attempts by the national government to welcome new actors in the labour market that can promise positive employment effects through the activation of categories of workers who have so far relied on welfare support, regardless of the working conditions they implement.

Our research shows that thinking along these lines may lead to an overestimation of the value produced by platform work and an underestimation of its social costs.

This report examines what these costs may look like on the ground. For example, payment for tasks may not always acknowledge a worker’s entire temporal and financial investment in undertaking it—effectively lowering their hourly earnings. This is partly because of the lack of guaranteed minimum wage, as well as social security coverage for workers working as own-account workers within the platform economy. To provide an example, workers using platforms to access household-related and personal care jobs (via Yoopies and Top Help, for example) invest a significant amount of time in job search and applications, with no guarantee of paid work as a result. Furthermore, as labour platforms often fail to adapt to Belgian national regulatory regimes, platform jobs tend to fall outside the scope of collective sectoral agreements, with severe repercussions on working conditions, exposing workers to wage dumping, lack of job protection, and barriers to access to voice mechanisms.

Addressing these gaps is crucial, in particular in the context of the challenges brought about by the so-called “fourth industrial revolution” (i.e., the fundamental changes in society, organisations and labour markets being driven by developments in digital technology and data), and the widespread introduction of AI in labour settings. Platform work should be considered as part and parcel of the political agenda on the digitalisation of the Belgian economy: the operations of some of the platforms reviewed in this report are, after all, not so distant from the way e-commerce and other highly digitalised logistics services manage their workforces, for example in supermarket collect-and-go systems. Identifying the similarities across innovative modes of work makes it possible not only to guide policymaking towards coherent reforms to tackle the challenges posed by the rapid pace of technology development, but it will also enable workers to regain autonomy and voice to ensure the social sustainability of the economy of the future.

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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 initially developed at a multi-stakeholder workshop at the International Labour Organisation, followed by workshops for local stakeholders. These workshops, and our follow-up conversations with platform workers, platforms, trade unions, regulators, academics, and labour lawyers, allowed us to revise and fine-tune the principles, as well as to ensure that they were applicable to our national context.

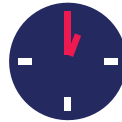
Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.

01 The five principles



Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs.



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.



Fair Contracts

Terms and conditions should be transparent, concise, and provided to workers in an accessible form. 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 must be free of clauses which unreasonably exclude liability on the part of the platform.



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).



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

The project uses three approaches to effectively measure fairness at work.

Desk Research

The process starts with desk research to ascertain which platforms are operating in each city, as well as noting the largest and most influential ones. In Belgium, we focused on platforms operating all over the country. This research provides the overall range of the platforms that are ranked, as well as identifying points of contact or ways to access workers. 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).

Platform Interviews

The second method involves approaching platforms for evidence. We interview platform managers and request evidence in support of 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 involves interviewing platform workers directly. We aim for a sample of 6-10 workers interviewed at each platform. Workers are approached

either through the platform directly or at known worker meeting points. 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. They allow us, for example, to view contracts 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.

Putting It All Together

This threefold approach provides a means 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 decided collectively by the Fairwork team based on all three forms of information gathering. The scores are then peer reviewed by the country team, the Oxford team, and two reviewers from other country teams. This allows us to ensure the consistency and rigour of the scoring process. Points are only awarded if clear evidence exists for each threshold 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.

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

Background: Overview of the Belgian Platform Economy



One key feature of the platform economy in Belgium is the heterogeneity of platform work and its workforce. Platform work here tends to be occasional, often supplementing other earnings². However, platform work can represent a significant source of income for a growing share of workers, especially in some sectors like food delivery³. Recent representative data on the numbers and composition of the Belgian platform workforce is currently lacking, but data from surveys conducted in other European countries seem to support this pattern. The European-wide COLLEEM survey and the ETUI internet and platform work survey report substantial heterogeneity in terms of earnings, education, age and gender, and the share of income earned and number of hours worked on platforms⁴.

In comparison to other economies, for instance the UK, in Belgium the platform economy has been a relatively small phenomenon within the broader economic context. An ING international survey conducted in 2015, which surveyed 14,829 individuals in 15 countries including Belgium, found that the size of the platform economy was very limited when compared with the

other countries in the study. The ING data were confirmed by the 2016 Flash Eurobarometer, which found that only 8% of the Belgian population had used a service provided on a collaborative economy platform in 2016. This was well below the participation rate seen in its neighbours France (36%) and Germany (20%). In 2016, Belgium's participation rate was also well

below the European average of 17%. However, in the last five years, the use of digital platforms in Belgium has risen rapidly. The 2018 Flash Eurobarometer reported a significant increase in Belgians' use of platform services in only two years, surging by 10 percentage points to 18% of the Belgian population declaring having used a service provided on a

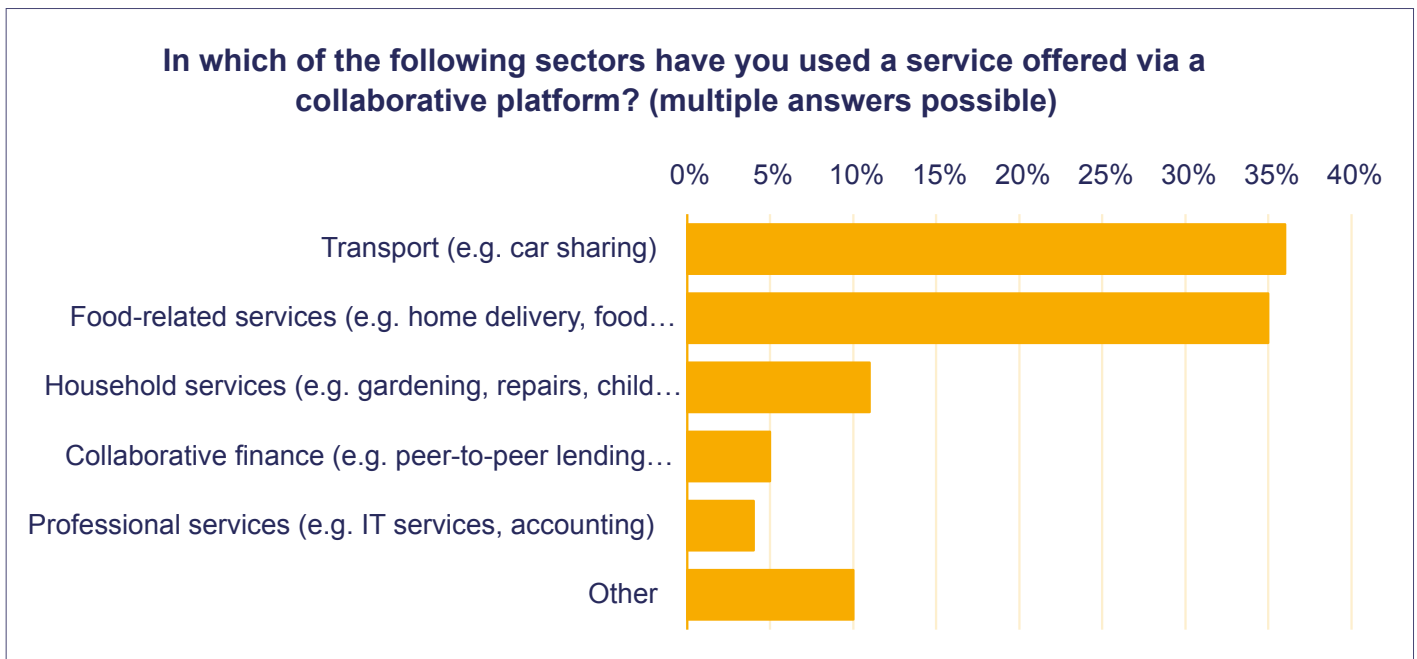
collaborative economy platform (in comparison, the European average increased by 6 percentage points between 2016 and 2018).

The 2018 Eurobarometer also reports the sectors of highest use of platform

services in Belgium (Figure 1), with the transport sector (36%) and food-related services (35%) being most popular, and household services trailing at a fair distance below (11%). In the aftermath of the first wave of pandemic shocks, the food delivery sector has

continued to grow in Belgium, with two of the main active platforms—Deliveroo and Takeaway—currently deploying around 3,000 couriers each. In 2020, Deliveroo doubled its turnover, while Takeaway grew 50% and doubled its workforce in Belgium⁵.

Figure 1 Platform use in Belgium (2018)⁶



Finally, when looking at the share of regional platforms—that is, platforms that originated in Belgium⁷—we see that Belgium follows the pattern of other EU countries, with the number of locally born platforms being less than half of all platforms active in the country⁸. However, in Belgium a number of local platforms have reached substantial success, including Ring Twice (formerly Listminut), a pioneering platform in the provision of a wide range of household services, the first Belgian platform to be officially accredited on the governmental list of platforms (more on this list in the next section). Founded in 2013, it grew to 6,000 service providers and 10,000 users in 2018⁹ and up to 36,000 service providers and 40,000 users in 2021¹⁰.

These trends in the size and nature

of the platform economy in Belgium may be explained by looking at the institutionalized character of the country’s digitalisation strategy. As part of the Belgian tripartite social dialogue system, trade unions have been actively involved, together with the VBO-FEB (employers’ organisation), in the development of the government’s digitalisation and artificial intelligence strategies. The ‘Digital Belgium’ strategy outlines the digital long-term vision for the country and sets out five priorities: digital infrastructure, digital confidence and security, digital skills and jobs, digital economy, and digital government. While the strategy doesn’t dwell much on platform work, the involvement of the trade unions in shaping the programme has been useful in order to voice and understand worker requests while attempting to



“The high turnover of the sector has left space for the entrance of a vulnerable migrant workforce that often goes undetected due to undocumented status.”

regulate the emerging digital economy. The trade unions' social ties to the rank and file has allowed the identification of the most-needed digital skills, and the conveying of workers' requests to the government and employers in the dialogue¹¹. In addition, in June 2019, the ACV-CSC (Christian trade union confederation) announced the creation of a new category (United Freelancers) within their organisation in order to include independent workers, on the claim that many new self-employed are far from being the 'petit patron' they

might have been in the past. Since the first workers' collective actions in the Belgian food delivery platform sector in 2017, both the main confederal unions in Belgium, namely the ACV/CSC and the ABVV/FGTB (Socialist trade unions confederation), have been supporting the claims of the local couriers' movements, and in particular the Brussels-based Collectif des coursier-e-s/KoeriersCollectief (couriers' collective).

The unionisation of the Belgian food

delivery sector has proven difficult, however, due to the changing composition of the workforce. In the first phase of delivery platforms' expansion, couriers were primarily young students with 'sceptical' attitudes towards trade unions¹², in line with those of their peers outside the platform economy¹³. In more recent times, the high turnover of the sector has left space for the entrance of a vulnerable migrant workforce that often goes undetected due to undocumented status¹⁴.



The Legal Context

Which ‘Employment Status’ in the Platform Economy

In Belgium, the classification of workers is decided on a case-by-case basis, depending on the factual elements indicated by the law. If workers have sufficient freedom to organise their work and their working time, and are not subject to a hierarchical authority, they will be regarded as self-employed¹⁵. That said, a number of exceptions are introduced by the law with regard to sectors such as construction, security, transportation, cleaning, agriculture and horticulture.

Based on these legal assumptions, most platforms in the platform economy in Belgium have classified their workers as self-employed. The possibility to do so has been reinforced by the national government introducing dedicated legislation on digital platforms in the hope of encouraging the development of the platform economy, as well as citizens’ participation as users, workers and entrepreneurs. In particular, the 2016 De Croo Law assimilated platform work to the broader category of ‘collaborative economy’ jobs, alongside voluntary work, and created a specific status, i.e. the peer-to-peer status (P2P), which benefits from significant tax exemptions, while disregarding access to social security schemes. Workers under this status are exempted from paying social security contributions and are allowed to earn up to a yearly amount of €6,390 (2021, indexed) with an applicable

tax rate of 10.7%; in comparison, regular workers earning up to 9.050€ are exempted from taxation, and above that threshold the applicable tax wedge starts at 25% and climbs to 40%. In 2018, the government further lowered taxation on revenue from platform earnings to zero, a measure which the Belgian Constitutional Court deemed unconstitutional in 2020¹⁶. Hence, in February 2021 taxation on the P2P status was restored to 10.7%. Importantly, extant legislation requires digital platforms to be accredited in a national directory, managed by the Ministry of Finance, in order for their workers to benefit from the peer-to-peer status. To date, this list includes about 100 digital platforms, with many more operating without this recognition. In this case, platforms rely on a traditional employment classification—such as in the case of the food delivery platform Takeaway, or more often, on regular self-

employment and informal/undeclared work.

Ever since the introduction of the peer-to-peer status, thousands of platform workers in food delivery, ride hailing, care and household services, have been classified under this regime. However, the governmental intervention to regulate the platform sector through the introduction of this ad hoc reform of employment has exacerbated the polarisation between the traditionally ‘protected’ dependent workforce (including standard and non-standard employees) and a growing population of unprotected and independent (self-employed) workers—including those with the new P2P status. A dualism is becoming increasingly visible in the Belgian context, where the former can rely on fairly good levels of income guarantees and access to social security, while the latter act in a realm of increasing

income insecurity and insufficient employment protection¹⁷. The peer-to-peer status also risks undermining the long-standing Belgian system of sectoral collective bargaining, as workers with the peer-to-peer status are allowed to carry out tasks that are generally provided by regular employees covered by national collective agreements, but because of their flexible status, all compliance with sectoral arrangements in terms of wage and employment regulation is lifted. Domiciliary personal care is a case in point: traditionally provided by employees of non-profit and semi-public care enterprises, today anyone can perform such services as a peer-to-peer worker via accredited platforms. This goes hand in hand with the decade-long retreat of the Belgian government from investing in social spending in public goods such as personal care since the austerity reforms in 2012, when €2.3 billion were cut from the health sector¹⁸.

Unsurprisingly, the peer-to-peer status has been highly contested in Belgium, on the grounds that it grants benefits to platforms to the detriment of taxpayers and worker welfare¹⁹. In its 2021 ruling that restored the 10.7% tax rate on platform earnings, the Constitutional Court refrained from repealing the possibility of platforms to classify the employment status of their workers as self-employed or ‘peer-to-peer’²⁰, which still remains a contested issue in Belgium as recent legal cases indicate.

First, in 2018, two rulings of the Administrative Commission for Employment Relationships stated that Deliveroo couriers should be considered as employees, contrary to what was maintained and practiced by the company. However, following a request by Deliveroo, these two rulings were first found to be invalid by the Brussels Labour Tribunal, but this decision was again repelled by the Court of Appeal. Nevertheless, four years after the initial rulings, this had no more significance. Later, the Public Prosecutor in Brussels started an investigation regarding the employment status of Deliveroo couriers, which led to the platform

being summoned before the Labour Court in January 2020. In December 2021, a first decision declared that Deliveroo riders may work for the platform as self-employed (but not as peer-to-peer). An appeal by the Public Prosecutor is now ongoing against this decision; the final result is expected end of 2023.

In a similar judgment of 16 January 2019, the Commercial Court of Brussels incidentally ruled on the employment status of Uber drivers by stating that drivers are in fact not to be considered as employees. Although the competence of this court to deal with this category of disputes was contested from a legal perspective—such disputes normally falling under the jurisdiction of the Labour Courts²¹—the judgment was nevertheless subjected to an appeal, which is now pending before the Brussels Court of Appeals. In an interlocutory judgment, the Court of Appeals has raised two prejudicial questions to the Constitutional Court with respect to the need for taxi licenses for Uber drivers, and whether this could constitute some form of discrimination against regular taxi-drivers. Specifically, after the Brussels government banned the use of the Uber smartphone app to book rides instantaneously and introduced an obligation to book rides at least three hours ahead in March 2021, in November of that year the Appeals Court decided that Uber riders could no longer use their apps because it violated the law on taxi services. This was strongly contested by Uber, which pointed to the fact that the Brussels government applied a law on taxi services from 1995 that had not been updated. This put the two thousand Uber riders in Brussels temporarily out of work. In December 2021, a temporary solution was found by the government, which allowed Uber workers to resume their work within a new judicial framework, namely by asking riders to fulfil a number of conditions, such as proving that they work at least 20 hours per week, prohibiting them from using taxi lanes or taxi parking lots, and only allowing them to carry out rides that have been assigned to them by the platform.

This temporary solution should be applicable until July 2022, when the Brussels government is planning to establish a new judicial framework.

As we can see, the legal status of digital platforms and platform workers in Belgium is far from being settled. In 2021 the Federal Government announced its desire to reform the current legislation (i.e. concerning the peer-to-peer status) and launched an online consultative forum to gather contributions and opinions from platform workers, platform management, trade unions and other relevant actors. In mid-February 2022, the Government presented a plan to reform the status of platform workers as part of a broader reform of the labour market. Following the recent European Commission directive on improving working conditions in platform work, the proposed text establishes a list of eight criteria to determine the status (as employee or self-employment) of platform workers, and makes accident insurance obligatory for all workers regardless of their status. The proposal will soon undergo parliamentary debate, which may lead to changes in the current text.

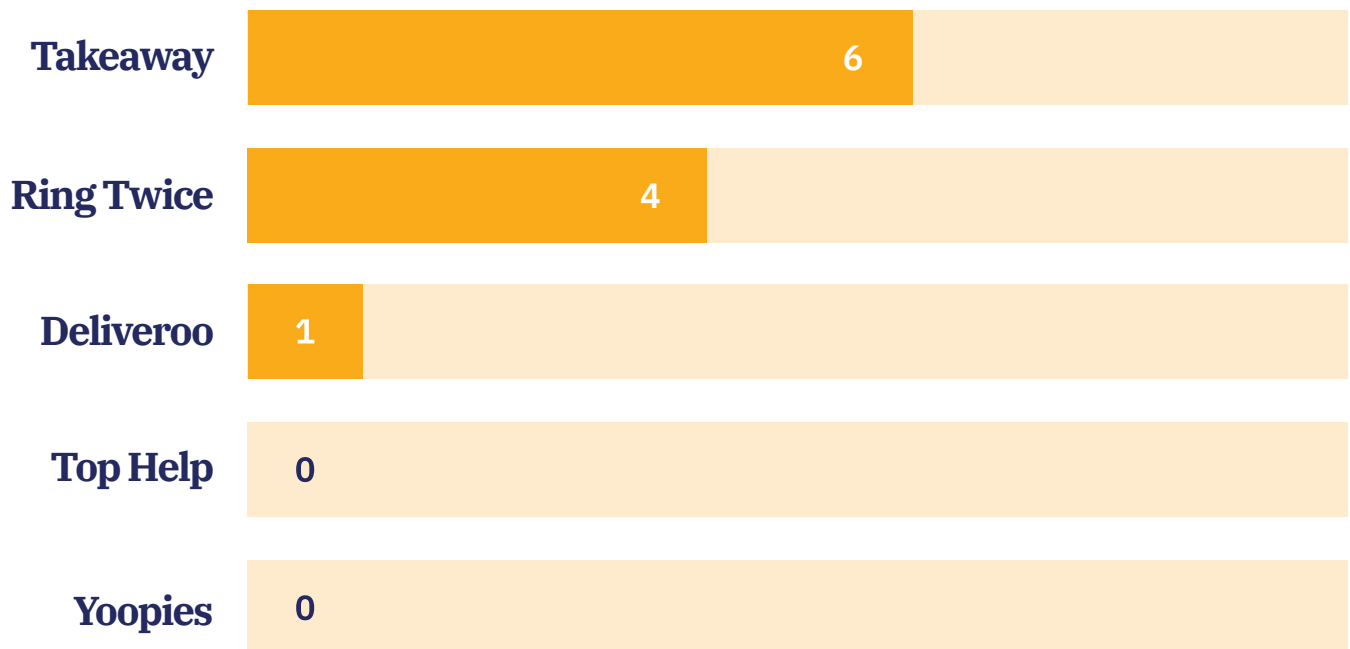


“The peer-to-peer status has been highly contested in Belgium, on the grounds that it grants benefits to platforms to the detriment of taxpayers and worker welfare.”

Fairwork Belgium

Scores 2022

Score (out of 10)



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

Explaining the scores



Fair Pay

Of the five platforms we studied for this report, we found that only two—Takeaway and Ring Twice—guarantee their workers earn at least the minimum wage after costs²². Ring Twice, which relies on the peer-to-peer status and self-employment, sets ‘technical minima’, i.e. a wage floor for each of the occupations available on the platform. Although we awarded the point to both platforms, we acknowledge that Ring Twice workers take a higher risk because they are independent workers who have to provide for their own social security and need to secure sufficient income. Differently, Takeaway hires its couriers (whether as direct employees or through temporary agencies), and therefore follows minima set by sectoral agreements. However, the current pay level is contested by workers and trade unions, who are calling for the reclassification of couriers under a different sectoral agreement, with higher salary scales. Other platforms, hiring workers under the peer-to-peer status, as self-employed or informal workers, could not evidence that they guaranteed minimum wages as stipulated in sectoral collective agreements.



Fair Conditions

Only one platform could evidence that they offer protection against work-related risks and in the case of incapacity to work. This platform, Takeaway, was awarded both points under this principle—though we strongly recommend that it ensures that all its couriers are duly informed about their rights. Although a basic insurance scheme is available on both Ring Twice and Deliveroo, we could not award the point because Ring Twice fails to offer a ‘work accident’ insurance and only covers peer-to-peer workers using the platform, not the self-employed. Similarly, we find Deliveroo’s insurance coverage to be insufficient, amongst others due to the lack of coverage of material costs (such as damage to phones, bikes) and the lack of a motor vehicle insurance for self-employed workers using a motorised vehicle for delivery. The fact that none of the other platforms reviewed could evidence the existence of protections makes it very clear that platforms should act promptly to improve working conditions.



Fair Contracts

Three of the five platforms—Deliveroo, Ring Twice and Takeaway—could show that they provide terms and conditions in a clear, transparent and accessible form. However, only Takeaway also demonstrated that liabilities and risks of engaging in the work are shared between the platform and the workers. Given the poor results regarding contracts, we urge platforms to implement changes in their contracts and establish relationships with workers that are in line with national regulations.



Fair Management

Although all platforms reviewed have communication channels allowing workers to interact with a human representative, only two (Ring Twice and Takeaway) evidenced effective due process for decisions affecting workers. Moreover, only Ring Twice provided evidence of ensuring equity in the management process. Our findings in this category indicate that more efforts are needed to improve fair management on platforms.























Fair Representation

None of the platforms fully met the principle of fair representation. Deliveroo evidenced the recent establishment of an internal workers' representation body, but the platform could not be awarded the point because it did not evidence any willingness to recognise, or bargain with, a trade union. As for Ring Twice and Takeaway, there was insufficient evidence of solid relations with national trade unions to award the point. This all points to the fact that most Belgian platform workers are left without institutionalised channels for worker representation, meaning that they have little or no influence over the decisions that impact their jobs.



Platform in Focus:

Ring Twice

				Total		
	Principle 1: Fair Pay		Pays at least the local minimum wage after costs		Pays at least a local living wage after costs	
	Principle 2: Fair Conditions		Mitigates task-specific risks		Provides a safety net	
	Principle 3: Fair Contracts		Provides clear and transparent terms and conditions		Does not impose unfair contract terms	
	Principle 4: Fair Management		Provides due process for decisions affecting workers		Provides equity in the management process	
	Principle 5: Fair Representation		Assures freedom of association and the expression of collective worker voice		Supports democratic governance	

Ring Twice overall score

 **04**^{/10}

Ring Twice is a Belgian platform providing a broad range of different household services, such as cleaning, babysitting, gardening, hairdressing, house repairs, IT-services and many more. Ring Twice was founded in 2013 and was the first platform to be officially recognised by the Belgian government under the 'peer-to-peer status'. While the platform is only active in Belgium, it has expanded over the years to the 400,000 users and 36,000 workers it has currently²³. Around 80% of Ring Twice workers work under the Belgian peer-to-peer status, while the remaining 20% are self-employed²⁴.

Payments are made through the platform, with workers setting an hourly or fixed-price pay rate when applying for a job, and confirming this pay rate and the number of

hours worked when they close the job on the platform²⁵. Ring Twice enforces a minimum pay rate below which workers cannot charge: when workers try to enter a lower tariff, it is automatically rejected by the platform, so as to avoid undercutting. Minimum pay rates differ between job categories. Ring Twice advertises that workers should account for costs such as those arising from buying materials and commuting when setting their price. In scoring the platform, we faced the challenge that Ring Twice operates in sectors that are not covered by collective agreements in Belgium, such as babysitting, and have therefore no set minimum wage. Hence, we see the minimum pay rate set by the platform in these sectors (the lowest being €7 for babysitting and pet sitting) as a good step forward. However, the

amount is lower than what is needed to make a living in Belgium, which workers report as problematic in their interviews.

Ring Twice offers private insurance covering material damage to the client's belongings and physical injuries up to a certain amount. However, the insurance coverage is more limited than the regular workplace accident insurance offered to employees in Belgium, and excludes accidents occurring when commuting to work. Importantly, the insurance is only offered to peer-to-peer workers. Self-employed workers are required to provide for their own insurance.

A positive feature highlighted by many Ring Twice workers is that they can contact management any time, even outside their working hours, by email,

text message or phone, and can meet them face-to-face. Workers have a contact person whom they can reach in case of questions or concerns, as reported by one of the workers we interviewed: “I met her [Ring Twice manager] twice. (...) I find it nice that she always answers very quickly. I recently had a question about the payment, I wrote her on WhatsApp and she answered within a day.”

As a result of its engagement with Fairwork, Ring Twice has dedicated a new web page to a formalised appeal process, which will also be communicated in emails to workers who are deactivated. Moreover, resulting from the engagement with Fairwork, the platform has implemented an anti-discrimination

policy and communicated this new policy to workers. We will monitor the implementation and benefits of these new policies for workers over the next year.

Overall, we see that Ring Twice is taking steps to improve working conditions within the specific regulatory setting in which it operates, even in cases when sectoral regulation is missing. However, as evidenced by the low scores for some principles, there is still room for improvement. In particular, we would advocate an all-inclusive policy for the social protection and collective bargaining rights of workers.

Workers' Stories



Sander

Takeaway

Sander* is 24, and has been working for Takeaway for the last three years. During this time, he got promoted from courier to driver captain. Prior to that, Sander used to work as a warehouse and assembly line worker, and as a DJ. When Sander joined the platform in 2018, just before he dropped out of university, there were so few couriers available that “Takeaway were hiring anybody with two legs”. At that time, there were also very few restaurants involved and delivery shifts were only in the evenings. Then it all changed. More couriers and restaurants joined and work became much more intense, with very limited or no breaks between orders. As a bike courier, Sander was paid first €10 and then €12 per hour, and was offered initially daily and then weekly and monthly contracts. He experienced multiple problems with badly functioning bikes provided by Takeaway and some scolding from a hub coordinator. Food delivery was exhausting. When he returned home in the evenings, he could only eat and sleep. During periods of very few shifts on Takeaway, he tried to top up his income by working for Deliveroo. This, however, turned out to be a waste of time, as there were very few orders available for the number of waiting riders. At least

with Takeaway, he was giving them his availability and was being assigned shifts within his availability (although sometimes not as many shifts as he wanted), making his income more predictable. But not showing up for a shift was punished by losing access to the shift-booking system in the following week. In order to be offered a monthly contract and to become a captain, Sander had to demonstrate high availability: giving as many hours and days he could work as possible, including weekends, and never cancelling shifts due to bad weather or other commitments. As a driver captain, he now earns €13.80 per hour. He still delivers food when needed, but also trains and supervises other couriers, monitoring their statistics, checking their outfit and compliance with rules, and helping them when they encounter difficulties. Sander is a member of a trade union and regrets that many other riders are not, as he believes that if more of his fellow workers were union members, their chances of making their voices heard by management would be higher. His ambition is to become a hub coordinator, as that would secure him a permanent contract and a salary of about €1,800 per month.

***Name changed to protect worker identity**

Theme in Focus:

Deregulation, Informality and Unpaid Work in Care Platforms

One of the most contested aspects of the platform economy—which comes across this report—is how it challenges the regulation of established sectors, both in terms of service provision to clients, and the employment relationship. National governments have increasingly been exiting certain sectors that they traditionally oversaw, such as health and care services, through reductions in spending and investment in public goods under austerity policies. The result is a rise in informality and unpaid labour (as one of its main manifestations) in the platform economy—an area which claims to increase labour participation of those not yet included in the formal labour market.

One clear example of increasing informality through deregulation is the platform care sector in Belgium. Here we observe that platforms' timid or non-existent compliance with the regulations organising the sector can result in unpaid work. As one of the workers we interviewed observed: "Work on TopHelp is never declared, it's like voluntary work, more or less. I had got in touch with one of the platforms administrators and asked him if there were ways to declare my work but they replied that they don't deal with this kind of stuff."

In the mid-2000s, Belgium introduced a voucher system to foster the formalisation of domestic service²⁶. The system relies on two core elements: first, strong state subsidies whereby clients can purchase domestic services through vouchers at a highly discounted price in order to incentivize the formal hiring of domestic workers; second, the establishment of a tripartite employment system in the domestic service sector, whereby domestic workers are not hired directly by clients (as is the case in France, for instance) but rather by employment agencies, with which workers have

open-ended employment contracts that ensure access to full social security and work stability.

Differently from other countries in Europe that have a similar scheme (e.g. France), only domestic tasks can be carried out within the scope of the Belgian voucher system. Accordingly, personal care services such as assistance to the elderly or to people with disabilities are usually provided through profit and non-profit organisations with regularly employed staff. Alternatively, they are provided by so-called Local Employment Agencies



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(ALE/PWA) that aim to reintegrate long-term labour market dropouts and other welfare beneficiaries²⁷. Baby-sitting and private-tutoring services fall outside the scope of the regulation. However, platforms are often not aware of or do not follow the rules of the sector in the host countries they operate in. As one worker told us, there seems to be no Belgium-specific help for Belgian platform workers, which leaves Belgian workers unsupported when in need of clarification regarding taxation and regulation: “There is some sort of confusion between Yoopies France and Yoopies Belgium, I never know where to ask for information and support. I once sent a message to the Yoopies support system asking for help about the voucher system and a French guy replied, telling me ‘I don’t understand your question’, so I realised that it was Yoopies France responding and they had no idea about the [Belgian] voucher system.”

When we look at the form of employment which the voucher system establishes, we see that in Belgium the system is ‘triangular’²⁸, as it relies

extensively on the use of intermediary agencies that hire domestic workers and remunerate them on the basis of hours worked—that is, based on the vouchers paid by their clients. Some tasks involving a lot of risks are forbidden in the voucher system, but are done by workers working through platforms, as one worker told us: “The difference between platform work and work by vouchers is that in the first case when I go and work for people, fixing tiles and walking up ladders, I take my risks. Under the voucher system, this is forbidden.”

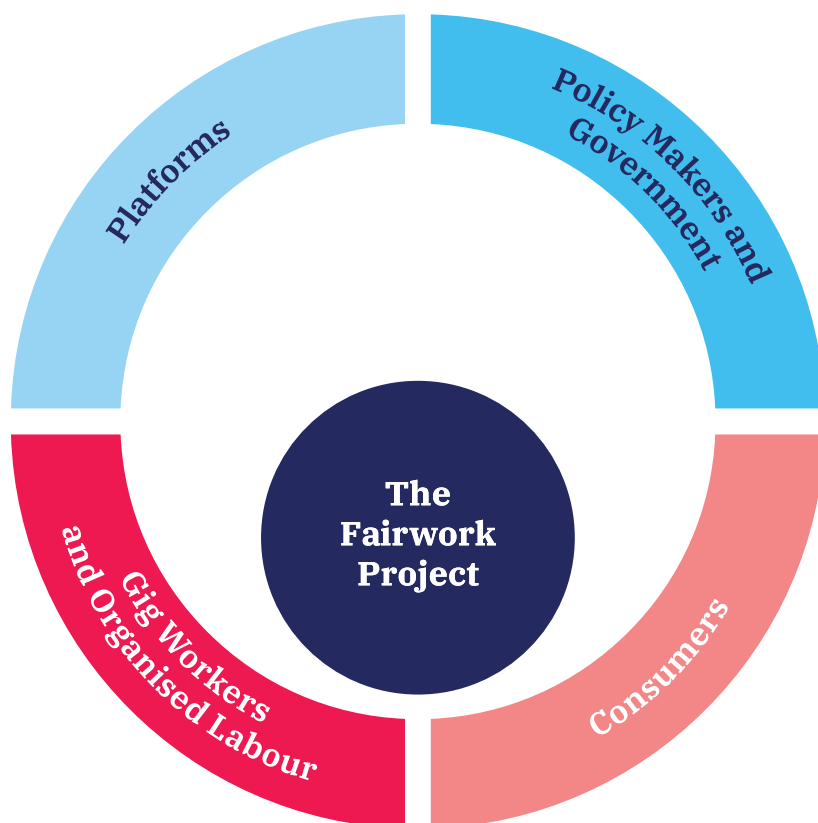
The research we have conducted on care platforms in Belgium, namely, Top Help and Yoopies, within the scope of the ResPecTMe and Fairwork projects reveals how care platforms tend to disregard existing regulation and rather end up boosting informal work, as illustrated by a respondent: “This [platform work] is for people who have small jobs like cleaners, who work informally, people without qualifications and especially newcomers, so maybe people who are qualified in their countries but don’t

know what to do here.”

Most services offered on care platforms in Belgium (for example, personal care for the elderly and people with disabilities) are either regulated as work within the ‘triangular’ voucher system as a formal employment relationship, or unregulated, as is the case for private tutoring and baby-sitting. Thus, when matched on platforms, instead of using the national voucher system the contracting parties can arrange work agreements only informally. This generates unpaid labour such as work involved in job search, job applications and making an attractive profile on platforms. Workers are deprived of social protection coverage and guaranteed minimum wage standards. Moreover, unpaid labour within care platforms is also exacerbated by the hidden nature of the work that is performed by the worker, as the latter often lacks information on the client’s expectations.

Moving Forward: Pathways of Change

This report establishes a baseline on the current situation of Belgium’s platform economy that will allow us to study its development and update our ratings on an annual basis. The low scores for four of the five platforms we scored indicate a strong imperative for regulatory reform and enforcement. However, the range of scores points to the fact that poor working conditions are not inevitable—platform work can also mean fair work.



Fairwork’s Pathways to Change

Fairwork’s theory of change incorporates four pathways to improving working conditions for platform workers. The first pathway entails engaging with platforms directly to push them to improve working conditions. As Fairwork grows, platforms are increasingly aware of the importance of accountability mechanisms such as the Fairwork framework. By guiding platforms with our principles, we collaborate with them to improve their practices and policies to provide better job and income opportunities for their workers, while building a safer and fairer business. As a result of our research in Belgium, Ring Twice has implemented three important changes. First, Ring Twice raised the minimum pay for babysitters and pet sitters, which are the job categories with the lowest minimum pay on the platform. Second, Ring Twice has formalised an appeal process for workers on their website and adapted the emails sent to workers in case of deactivation. These emails now contain clear information about the deactivation policy and appeal process. Third, Ring Twice formalised an anti-discrimination policy on their website and notified workers of this new policy. In addition, we have found the platform Deliveroo to be eager to work with us, and to share evidence to improve their Fairwork scores.

The second pathway to change arises from a belief that, given the opportunity to make more informed choices, many consumers will choose the most ethical option when faced with a choice between a poor-scoring platform and a better-scoring one. Our yearly ratings give consumers the ability to select the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this

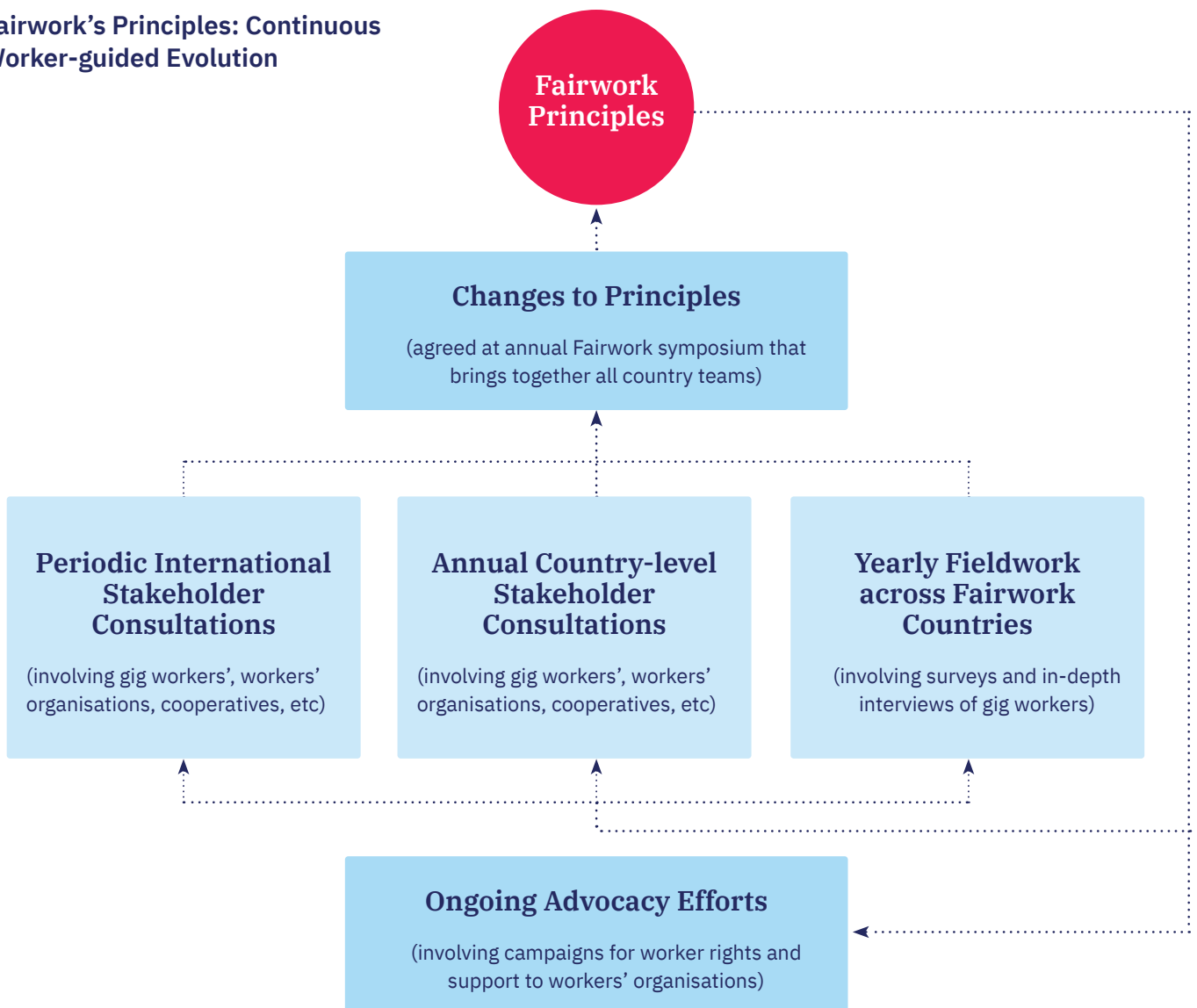
way, we enable consumers to ally with workers to fight for a fairer platform economy.

Our third pathway to change involves ongoing conversations with policy-makers, engaging with them to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Consistently low scores in the Fairwork league table illustrates the need for regulatory intervention to ensure that platform workers are no longer falling through the cracks.

Finally, and most importantly, workers and workers' organisations are at the core of Fairwork's model. Our principles have been developed and are continually refined in close consultation with workers and their representatives. 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. In Belgium, we have been engaging with trade unions on the national level and with trade union confederations at the European level, consulting them and presenting our

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

Fairwork's Principles: Continuous Worker-guided Evolution



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 14 months between June 2020 and August 2021.

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 – Guarantees workers earn 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 vehicle²⁹. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage³⁰. 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 hours³¹. 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 – Guarantees workers earn 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.^{32,33}

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

Table 2 Weekly earnings table²⁶

		WORKER EARNINGS AFTER COSTS (E)			
		$e < M$	$M \leq e < 1.5M$	$1.5M \leq e < 2M$	$2M \leq e$
ACTIVE HOURS (H)	$h < 0.9F$ (part-time)	%	%	%	%
	$0.9F \leq h < 1.2F$ (full-time)	%	%	%	%
	$1.2F \leq h$ (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 them.

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks³⁴.
- 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 workers³⁵. 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 interface³⁶.
- 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.

The platform 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 workers³⁷.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform³⁸.

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:

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

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A collaboration between:**Funded by:**

Endnotes

- With the term ‘own account workers’, we refer not only to self-employed workers, but also to workers under the Belgian ‘peer-to-peer’ status (see the section on the legal context) and informal workers.
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- The minimum wage system in Belgium is based on sectoral collective bargaining. As distinct from the Nordic model, where no national-level minimum applies, the social partners in Belgium negotiate a national minimum wage threshold in the National Labour Council, which acts as the basis for sectoral agreements (Wage Indicator 2021).
- Data retrieved from Ring Twice website, March 2022.
- Data from Ring Twice management interview, conducted in March 2021.
- After having completed a job for the client, Ring Twice workers need to ‘close’ the job on the platform, indicating the hours worked, their pay rate and other costs to be reimbursed. Upon confirmation of the client, the payment is released to the worker.
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 29. 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.
 30. 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.
 31. 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.
 32. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.
 33. 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.
 34. 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.”
 35. 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.
 36. 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.
 37. 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.”
 38. 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.



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