

# **FAIRWORK PHILIPPINES RATINGS 2022: TOWARDS FAIR LABOR CONDITIONS IN THE PHILIPPINE PLATFORM ECONOMY**

## **Executive Summary**

The first Fairwork report for the Philippines presents an overview of the labour conditions of platform workers in the country. Digital labour platforms are often hailed for facilitating employment opportunities for the marginalised sectors as it maps onto the country's large informal economy. Similarly, the sprouting local platforms are valuable tech start-ups that can boost the country's digital economy. However, this Fairwork report provides essential evidence that platform workers, as in many countries worldwide, continue to face unfair and precarious work conditions and lack the benefits and protections that mark decent work afforded to regular employees in the Philippines.

The sustained impact of the COVID-19 pandemic presents additional challenges to the local platform economy. Unfortunately, the impact of the pandemic has been felt disproportionately by those who work outside of formal employment. This includes the rising number of workers who rely on digital labour platforms as their primary source of income. Moreover, consecutive lockdowns have disproportionately impacted specific sectors of the platform economy. While the demand for the services offered by food delivery platforms has increased, the lockdowns have significantly impacted the ride-hailing sector, as the number of passengers declined severely.

Regardless of the sector, platform workers are among the most vulnerable to COVID-19 due to the nature of their work, which adds to their daily struggles of working on the road under extreme heat or rain. Furthermore, the lack of sick pay for many workers means they face severe financial insecurity if they need to self-isolate, fall ill, or suffer accidents that stop them from working for extended periods. This report captures the precarity of being a platform worker during the pandemic. It also highlights some crucial steps that some platforms have taken to safeguard their workers during the pandemic.

The report assesses nine of the country's largest digital labour platforms against five principles of fairness - fair pay, fair conditions, fair contracts, fair management, and fair representation - giving each a fairness score out of ten. These platforms rated are: Angkas, Borzo, GrabCar, GrabFood/GrabExpress, Foodpanda, Joyride, Lalamove, TokTok, and Transportify. GrabCar and GrabFood/GrabExpress lead the 2021 league table with just 3 points, while Angkas and Lalamove follow with 2 points.

### ***Key findings***

*Fair Pay:* We could not find evidence that any platforms studied ensured that workers earn at least the daily minimum wage of P537 per day (\$US 9.7)<sup>1</sup>, after work-related costs. When assessing platforms under this principle, we considered the amount earned by the worker for their work, as well as the work-related costs and waiting time between jobs. Although some workers that work for long hours in a day can meet the minimum wage threshold at a gross income level, many fall below it when the cost of task-specific equipment they need for performing the tasks and other work-related costs are factored in.

We also could not find evidence that platforms ensure workers earn at least the local living wage (assessed as P710 or \$US 12.86 for 2021<sup>2</sup>). The report highlights how workers often work long hours to cover expenses and barely meet the minimum wage, let alone make a living wage.

*Fair Conditions:* Four platforms (GrabCar, GrabFood/GrabExpress, Angkas, and Lalamove) could evidence certain practices to protect workers from risks associated with their jobs. Some examples of good practices included providing safety training and emergency buttons embedded in the app,

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<sup>1</sup> This translates to approximately P67/hour (\$US 1.21). The Regional Tripartite Wages and Productivity Board – NCR issued Wage Order No. NCR-23 on 13 May 2022 granted a wage increase from P537 to P570 (\$US 10.32) in Metro Manila for workers in the non-agriculture and agriculture sectors. This figure will be used for the succeeding Fairwork scoring. <https://www.dole.gov.ph/news/ncr-and-western-visayas-wage-boards-grant-minimum-wage-increase/#:~:text=NCR%2D23%20on%2013%20May,region%20from%20undue%20low%20pay.>

<sup>2</sup> Fairwork Philippines used the Trade Union Congress of the Philippines (TUCP) calculations of P710 (\$US 12.86) for this year's living wage threshold. Philippine News Agency. (2019, April 28). TUCP seeks P710/day across-the-board wage hike. <https://www.pna.gov.ph/articles/1068393>

free accident insurance, different forms of COVID-19 responses, protection from algorithmic miscalculations and protection from passenger scams. Some platforms were also awarded a point under this threshold because they had privacy and data protection policies. Although some platforms provided benefits beyond direct task-specific risks, such as educational or calamity assistance, we could not evidence that any of the platforms we studied provided sick pay commensurate with the worker's earnings in the past three months, which provides a necessary safety net to safeguard workers in cases of inability to work due to illness or an accident. Therefore, no platform received the second point for fair conditions.

*Fair Contracts:* Many platforms operating in the Philippines need to do better when providing a basic level of fairness in their contracts. Of the nine platforms studied, four (GrabCar, GrabFood/GrabExpress, Angkas, and Lalamove) have clear and accessible terms and conditions. For the others, our evidence shows that platform contracts can be onerous, difficult to understand, and may not always be communicated in a comprehensible language to workers. Additionally, we lacked evidence that the rest of the platforms announced changes within a reasonable timeframe to the work agreements that can affect pay or working conditions, prior to implementation. Our evidence also shows that some contracts excluded liability on the part of the platforms.

*Fair Management:* Two platforms (GrabCar and GrabFood/GrabExpress) were evidenced to have precise communication mechanisms for workers to meaningfully appeal low ratings, payment issues, deactivations, and other penalties and disciplinary actions, providing workers greater recourse opportunities. We could not find sufficient evidence to award this point to the other platforms. In addition, platforms should be nudged to publicly articulate policies supporting equality, diversity, and inclusion and a commitment to implementing fair algorithms, as none of the platforms evaluated could prove either of these.

*Fair Representation:* Being able to organise under a recognised collective body freely is a key right for workers in most countries. In the Philippine platform economy, there is still much that could be done to improve conditions in this regard, both in terms of the organisation of workers and recognition of worker-led organisations.

We could not find any evidence that the platforms we studied this year assured freedom of association and the expression of collective worker voice. We also could not prove that the platforms we studied supported democratic governance.

## **Editorial**

Fairwork Philippines aims to shed light on the working conditions of Filipino platform workers and make practical suggestions for improving them. For this first year, we focused on ride-hailing, food delivery, courier, and logistics platforms, with ample distribution between global and local or homegrown platforms. We selected platforms for our study based on various considerations, including market share, the specific sector in which they operate and worker supply. For this year's report, we focused on interviewing workers based in Metro Manila and adjacent cities, where they abound. In the coming years, we will expand our research to cover workers' experiences within and outside the capital.

Due to a lack of viable employment alternatives, digital labour platforms attract high numbers of workers in the Philippines amid promises of freedom and flexibility. But, underlying these promises, there are often precarious work conditions. Similar to other countries, the Philippines has seen a surge in demand for services offered by digital labour platforms during the COVID-19 pandemic lockdowns, with demand for home delivery services growing due to social distancing requirements. Amid rampant displacements in other sectors of the economy, platform labour became a primary source of livelihood for many, with a high percentage of workers we talked to moving to platform work during this period.

The analysis we present reflects the five core principles of Fairwork: fair pay, fair conditions, fair contracts, fair management, and fair representation. Each principle is divided into two thresholds. We award scores out of ten to a platform based on whether they meet the first threshold (1 point), and then achieve the second threshold (1 additional point) for each of these principles.

We assessed evidence against these principles through desk research, worker interviews, and meetings with platform managers. In addition to examining work conditions *vis-a-vis* the principles,

we examined workers' motivations for joining and staying in their respective platforms, their aspirations, day-to-day experiences and struggles as platform workers, as well as their modes of resistance and platform workarounds. Platform managers were requested to provide evidence of their policies and practices to support fair work practices. Due to the dynamic nature of the platform economy and data confidentiality, reliable information may be challenging to obtain. We only awarded a point when there was sufficient and convincing evidence to support a principle.

Our findings indicate that while the platform economy continues to grow and attract Filipino workers whose livelihoods depend on digital labour platforms, the absence of clear regulatory standards translates to less than fair conditions for platform workers. Due to the independent contracting arrangement, the provision of social support and safeguards becomes an option rather than a standard for digital labour platforms to commit to.

Notably, platform workers shoulder the core labour costs in this economy: from the vehicle and mobile device they need for working on the platforms, to the internet data, gas and maintenance costs of their vehicles. One concerning finding from our study is that many workers cannot earn even the basic local minimum daily wage after factoring in the costs they shoulder to perform work-related tasks.

The Philippine labour market has increasingly relied on low-wage, casual, and informal labour for decades.<sup>3</sup> This has compelled workers to embrace platform work, despite its onerous conditions, in the absence of better options. Meanwhile, digital labour platforms are perceived and sometimes even hailed as entrepreneurial initiatives that spur the country's national development and employment goals. Without thoroughly assessing the conditions of platform work against minimum standards of decent work, many jobs may be created for Filipinos but under inhumane conditions.

As the Philippines moves towards the Fourth Industrial Revolution, it promotes "digital opportunities" as pathways to national development. It hails platform workers as the unsung "heroes" of the pandemic and medical frontliners. Yet, the country must also safeguard essential

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<sup>3</sup> Ofreneo, R. E. (2013 April). Precarious Philippines: Expanding Informal Sector, 'Flexibilizing' Labor Market. *American Behavioral Scientist* 57(4), 420–443. <https://doi.org/10.1177/0002764212466237>. See also *Country Background* section.

protections for these workers. We hope this report offers pathways for effective regulation and provides a basis for solidaristic formations among workers to formulate their demands.

Moreover, the report, in conversation with multiple publics and stakeholders, is meant to create better awareness of the human costs of technologically-organised work so that this can instigate public commitment and greater demand for fairer work in the platform economy.

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## **THE FAIRWORK PROJECT: Towards Decent Labour Standards in the Platform Economy**

Fairwork evaluates and ranks the working conditions of digital labour platforms. Our ratings are based on five principles that digital labour platforms should ensure in order to be considered to be offering basic minimum standards of fairness. We evaluate platforms annually against these principles to show what the platform economy is today and what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better and fairer jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute, based at the University of Oxford and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in 37 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates, and policymakers to promote a fairer future of platform work.

(Map of Fairwork countries)

## **The Fairwork Framework**

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

To do this, we use five principles that digital labour platforms should consider as offering ‘fair work’. We evaluate platforms against these principles to show what the platform economy is and what it can be.

The five Fairwork principles were developed through multi-stakeholder workshops at the International Labour Organisation and in other locations. To ensure that these global principles were applicable in the Philippines context, we have subsequently revised and fine-tuned them in consultation with local stakeholders.

The principles are explained next, and 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 considering work-related costs. We assess earnings according to the home jurisdiction's mandated minimum wage and the current living wage.

### **2. Fair Conditions**

Platforms should have policies to protect workers from foundational risks arising from work processes. They 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 understandable. The party contracting with the worker must be subject to local law and identified in the contract. Regardless of the workers' employment status, the contract should be free of clauses that unreasonably exclude liability on the part of the service user and/or 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 communication channel to workers involving the ability to appeal management decisions or deactivation. The use of algorithms must be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in how workers are managed on a platform (for example, in hiring, disciplining, or firing 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***

The Fairwork project uses three approaches to effectively measure fairness of working conditions at digital labour platforms: desk research, worker interviews and surveys, and interviews with platform management. Through these three methods, we seek evidence on whether platforms act in accordance with the five Fairwork Principles.

We recognise that not all platforms use a business model that allows them to impose specific contractual terms on service users and/or workers to meet the Fairwork principles' thresholds. However, all platforms can influence the way in which users interact on the platform. Therefore, for platforms that do not set the terms on which workers are retained by service users, we look at a number of other factors including published policies and/or procedures, public statements, and

website/app functionality to establish whether the platform has taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

In the case of a location-based work platform, we seek evidence of compliance with our Fairwork principles for location-based or 'gig work' platforms.

Desk research:

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up any publicly available information that could assist us in scoring different platforms, for instance, the provision of particular services to workers, or the existence of past 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.

### *Platform interviews*

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

### *Worker interviews*

The third method is interviewing platform workers directly. A sample of 6-10 workers are interviewed for each platform. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews

enable the Fairwork researchers to see copies of the contracts issued to workers, and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place on the platform.

Workers are approached using a range of different channels. In all cases, informed consent was established, with interviews conducted online, following the local university's research protocols during the pandemic. 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 been working with the platform for more than two months.

### *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. The Fairwork team collectively decides the final scores based on all three forms of evidence. Points are only awarded if clear evidence exists on each threshold.

### *How we score*

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

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them

being awarded or not, are then passed to the platforms for review. Platforms are then allowed to submit further evidence to earn points that they were initially not awarded. These scores form the final annual score published in the annual country Fairwork reports.

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

## Country Background

Communication technologies have facilitated the rise of new forms of work, organising processes, and labour arrangements. This includes the emergence of global and local digital labour platforms catering to a local demand for food, transportation, courier, and logistics services that are hiring Filipino workers at an increasing pace. This exponentially growing platform economy provides work to thousands of Filipinos who lost jobs in the formal and informal economies during the pandemic.

Since the arrival of Uber in the country in 2014,<sup>4</sup> many new platforms have emerged in the market, with the major industries being ride-hailing (car and motorcycle taxi), logistics and courier, as well as food delivery. This location-based economy in the Philippines has continued to grow exponentially in recent years as digital labour platforms continually grow and multiply (see Table 1 for estimates of the number of workers in selected digital labour platforms operating in the country).

The revenue of the ride-hailing and taxi sector in the Philippines stood at US\$ 625 million in 2020.<sup>5</sup> For the food delivery business, gross merchandise value or volume of goods sold amounted to US\$ 1.2 billion in the same year.<sup>6</sup>

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<sup>4</sup> Vasquez, D. (2017). The dark days before Grab and Uber. Business Mirror.

<https://businessmirror.com.ph/2017/10/07/the-dark-days-before-grab-and-uber/#:~:text=Uber%20officially%20launched%20in%20the%20Philippines%20in%202014>

<sup>5</sup> Statista. (2021, November). Revenue of the ride-hailing and taxi market in the Philippines from 2017 to 2025. <https://www.statista.com/forecasts/1274400/philippines-revenue-ride-hailing-taxi>

<sup>6</sup> Legazpi, J. (2021, April 26). This service tops the Philippines' food delivery business. Manila Bulletin. <https://mb.com.ph/2021/04/26/this-service-tops-philippines-food-delivery-business/>

While some platforms such as Grab, Foodpanda, Lalamove, Transportify, and Borzo operate in the Philippines with global or regional affiliations, today, there are also many homegrown platforms such as Angkas, Joyride, TokTok, and GetAll. Beyond the capital Metro Manila, we have also seen the emergence of a wide range of platforms such as Mangan.ph, Delivery Guy, Metro Mart, Go Lag, Hirna, Hype, Micab, Owto, RiderKo, and U-Hop.

Table 1. Estimated number of workers in selected digital labour platforms operating in the Philippines.

Platform	Estimated number of workers
Grab (Car)	25,000 <sup>7</sup>
GrabFood and GrabExpress	40,000 <sup>8</sup>
Angkas	27,000 <sup>9</sup>
Foodpanda	45,000 <sup>10</sup>
Lalamove	200,000 <sup>11</sup>
Toktok	50,000 <sup>12</sup>
Joyride	20,000 <sup>13</sup>

<sup>7</sup> GrabPH, personal communication, May 30, 2022

<sup>8</sup> Ibid

<sup>9</sup> Francisco, I (2021, October 14). This Filipino entrepreneur started a transportation startup. Tatler Asia. <https://www.tatlerasia.com/power-purpose/gen-t/george-royeca-angkas-protecting-the-rights-of-motorcyclce-riders>

<sup>10</sup> PhilHealth. (2022, April 19). Foodpanda riders now better protected with PhilHealth insurance. [https://www.philhealth.gov.ph/news/2022/riders\\_protected.pdf](https://www.philhealth.gov.ph/news/2022/riders_protected.pdf)

<sup>11</sup> Lalamove. (n.d.). Your logistics service & partner for business. <https://www.lalamove.com/en-ph/business>

<sup>12</sup> Manila Bulletin. (2021, February 17). Homegrown toktok making waves with 150k users in 2 months. <https://mb.com.ph/2021/02/17/homegrown-toktok-making-waves-with-150k-users-in-2-months/>

<sup>13</sup> Agosino, F. (2022, February 28). LTFRB allows Joyride PH to launch 4-wheel ride-hailing service. Manila Bulletin. <https://mb.com.ph/2022/02/28/lfrb-allows-joyride-ph-to-launch-4-wheel-ride-hailing-service/?fbclid=IwAR1PgnKySasZmf1oE6j61a4BIYXT9ycxYm6bINSfzvnvY7k1kW->

Transportify	12,000 <sup>14</sup>
Brozo/ Mr. Speedy	10,000 <sup>15</sup>

Although platform work has been taken up and relied on by a significant segment of the Philippine population, and promoted by the government through pronouncements and partnerships,<sup>16</sup> there remains a lack of reliable statistical data accounting for this labour force (along with sectors depending on it), even by the Philippine labour authorities.

However, the rosy depictions of platform work have come under scrutiny by a series of rider protests,<sup>17</sup> which even prodded the Philippine Senate to launch an investigation of employment benefits and other forms of social protection for platform workers.<sup>18</sup> These protests also pushed the Department of Labor and Employment (DOLE) to issue the *Labor Advisory 14: Working Conditions of Delivery Riders in Food Delivery and Courier Activities* (s. 2021)<sup>19</sup>. This regulation aims to promote occupational health and safety and guarantee fair pay and benefits for platform workers, but has not been fully put into practice yet.

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<sup>14</sup> Transportify. (n.d.). Forwarders in Philippine logistics [100k+ SMEs served]. <https://www.transportify.com.ph/forwarders-in-philippine-logistics/>

<sup>15</sup> Philstar. (2021, September 14). It's all in the Gene for Mr. Speedy: How a millennial disrupted the delivery landscape in the Philippines. <https://www.philstar.com/lifestyle/business-life/2021/09/14/2126845/its-all-gene-rspspeedy-how-millennial-disrupted-delivery-landscape-philippines>

<sup>16</sup> For example, the Department of Labor and Employment partnered with ride hailing platforms to provide jobs to displaced workers <https://mb.com.ph/2020/10/27/dole-teams-up-with-ride-hailing-firm-to-provide-jobs-to-displaced-workers-through-freebis/>. The City of Manila also partnered with Foodpanda to provide jobs to tricycle riders <https://news.abs-cbn.com/life/05/12/20/foodpanda-partners-with-manila-city-govt-to-give-jobs-to-tricycle-drivers>

<sup>17</sup> The protests held by Foodpanda riders in Davao city in 2021 is discussed here: <https://newsinfo.inquirer.net/1460860/food-delivery-riders-in-davao-city-protest-vs-policies-that-reduce-their-earnings>. See also protests by Lalamove riders regarding costs of insulated bag that they need to shoulder <https://www.motopinas.com/motorcycle-news/lalamove-riders-not-happy-with-php200-month-bag-rental.html>

<sup>18</sup> Canivel, R. (2021, May 27). Senate tackles delivery riders' plight. *Philippine Daily Inquirer*. <https://newsinfo.inquirer.net/1437379/senate-tackles-delivery-riders-plight#ixzz7ThUr136b>

<sup>19</sup> Department of Labor and Employment Labor (DOLE). (2021, July 23). *Advisory 14: Working Conditions of Delivery Riders in Food Delivery and Courier Activities*. Labor-Advisory-No.-14-21-Working-Conditions-of-Delivery-Riders-in-Food-Delivery-and-Courier-Activities.pdf

In addition to the pandemic, several key factors are driving the popularity of the platform economy in the Philippines. These are the prevailing norms of insecurity and labour informality; increasing digital connectivity; and the positive discourses surrounding the platform economy that government and platforms continue to promote into everyday discourse.

### *Prevailing norms of insecurity and labour informality*

A key factor driving the growth of the platform economy in the Philippines is how it intersects with prevailing norms of labour insecurity and informality. Statistical data from the Philippine Labour Force survey (as of March 2022) shows an unemployment rate of 5.8 percent. While this might appear small, it still translates to around 2.87 million Filipinos without jobs.<sup>20</sup> Underemployment also remains significant<sup>21</sup> involving around 7.42 million Filipinos who are forced to take on multiple insecure jobs or seek additional work to supplement their income.

Unlike in many industrialised countries of the global North, where most work is formalised and subject to protection and regulation, in the Philippines, a formal employment relationship is not the norm. The informal sector constitutes a big portion of the country's labour force, with around 15 million participating in vulnerable forms of employment relationships in 2018.<sup>22</sup> As of March 2022, the number of self-employed workers remained high at 13 million or 27.8 percent of the labour force,<sup>23</sup> meaning more than two in five workers lack formal work arrangements and access to social protection, thereby being left at increased risk during an economic shock or crisis.<sup>24</sup>

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<sup>20</sup> Unemployment in the Philippines is defined as the number of Filipinos 15 years old and above who are available for work but have no work, are seeking work, are unable to seek work due to illness or incapacity. Philippine Statistics Authority (PSA). (March 2022) *March 2022 Annual Labor Force Survey - Technical Notes* Available at <https://psa.gov.ph/system/files/Technical%20Notes%20for%20Mar2022.pdf> Philippine Statistics Authority (PSA). 2021 Annual Labor Market Statistics- Preliminary Results. <https://psa.gov.ph/content/2021-annual-labor-market-statistics-preliminary-results>.

<sup>21</sup> Ibid, *Press Release*. Available at <https://psa.gov.ph/system/files/Press%20Release%20for%20Mar2022.pdf>

<sup>22</sup> DOLE (2018). DOLE addresses challenges of informal to formal sector transition. <https://www.dole.gov.ph/news/dole-addresses-challenges-of-informal-to-formal-sector-transition/>

<sup>23</sup> Philippine Statistics Authority. Table 1: Employed Persons by Sector, Occupation, and Class of Worker, with Measures of Precision, Philippines. <https://psa.gov.ph/statistics/survey/labor-and-employment/labor-force-survey/table>

<sup>24</sup> International Labour Organization (2021). *Extending social security to workers in the informal economy: Lessons from international experience* (2nd ed.). <https://www.ilo.org/manila/areasofwork/informal-economy/lang--en/index.htm>

The social security protections for private employees and self-employed workers in the Philippines are covered under the Social Security System (SSS). Existing data shows that under the current arrangement, a little more than half (54 percent) of private wage and salary workers, and 29 percent of self-employed are covered by this security system, which means many workers do not benefit from social security benefits. Moreover, the self-employment model makes them unlikely to access social protection.<sup>25</sup>

In the transport sector, the category of self-employed Filipinos increased from 9 to 14 percent from 2012 to 2018, which is also the time when platforms such as Grab, Uber, Lalamove, and Angkas became active in the market.<sup>26</sup> Due to the prevalence of insecure employment, platform workers' vulnerability manifested further during the pandemic. A high percentage of workers we interviewed moved to platform work during the pandemic. Platforms attracted workers from the public transport, construction, and other local service industries who were displaced to service the population during lockdown.

### *Digital connectivity and accessibility*

The availability of “good enough” internet connectivity and access to affordable mobile devices to large segments of the Philippine population<sup>27</sup> contributed to the emergence of the platform economy. For some time, the purchase of online goods and services in the country took up slowly, owing to the low percentage of Filipinos having reliable internet connectivity, access to banking and digital payments, and a generally low trust in online transactions.<sup>28</sup> It can be said that the platform

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<sup>25</sup> Philippine Statistics Authority (PSA). (2018). PSA Statistical Databases. [https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB\\_\\_3K\\_\\_E10/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db](https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E10/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db); [b] <https://psa.gov.ph/content/2018-annual-labor-andemployment-status>; \*<https://www.poea.gov.ph/ofwstat/compendium/deployment%202006-2018S1.pdf> (accessed on August 19, 2021)

<sup>26</sup> Philippine Statistics Authority (2018). 2018 Annual Labor and Employment Status. <https://psa.gov.ph/statistics/survey/labor-and-employment/labor-force-survey/title/2018%20Annual%20Labor%20and%20Employment%20Status#:~:text=The%20preliminary%20results%20of%20the%20Annual%20Labor%20and,71.3%20million%20population%2015%20years%20old%20and%20over>.

<sup>27</sup> Uy-Tioco, C. (2019). ‘Good enough’ access: digital inclusion, social stratification, and the reinforcement of class in the Philippines. *Communication Research and Practice*, 5:2, 156-171. DOI:10.1080/22041451.2019.1601492.

<sup>28</sup> Capistrano, E.P. (2021). Trust, acceptance, and use of online banking services in the Philippines. *Bangko Sentral ng Pilipinas Professorial Chair Lecture*, 19 March 2021.

economy entered the country at the right moment – when cheaper models of technological devices became more affordable, and telecommunications and Internet service providers offered cheaper access promotions to reach the untapped market. The lockdowns during the pandemic also forced more Filipinos to embrace online transactions.<sup>29</sup>

### *Discourses of flexibility and entrepreneurialism*

Although digital labour platforms assuage the government’s employment numbers and create opportunities for workers with no better options, the contracting arrangement prevalent in the platform economy simultaneously takes advantage of and exacerbates workers’ vulnerability and dependency.

The independent contractor model takes the same elements of informality but rebrands the worker as free, flexible, independent, and entrepreneurial. Through various communication mechanisms advanced by the government and platforms, workers and aspiring workers-to-be are told that “they own their time and are free to use their own resources;” or that “they can earn as much as they want, depending on how much time they are able and willing to invest.” Some worker-influencers also advance the same ideas on social media by retorting to complainants that they just work hard and stop complaining. Connected to this signalling of workers as free, independent, and entrepreneurial is also the identification of platform workers as more advanced and modernised than their counterparts (i.e., taxi drivers) because they work with technology apps. The attractiveness of the work is conveyed through multiple signs, including the use of celebrities as signifiers in platforms’ job ads, despite how far their realities might be from the actual workers.

During the pandemic, we saw another emerging trope: the promotion of riders as “superheroes”.<sup>30</sup> Interestingly, many public relations campaigns are released alongside news of workers’ protests.

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[https://www.bsp.gov.ph/Pages/ABOUT%20THE%20BANK/Events/By%20Year/2021/BSP-UP%20Professorial%20Chair%20Lecture%20Series/BSP\\_2a\\_capistrano\\_paper.pdf](https://www.bsp.gov.ph/Pages/ABOUT%20THE%20BANK/Events/By%20Year/2021/BSP-UP%20Professorial%20Chair%20Lecture%20Series/BSP_2a_capistrano_paper.pdf)

<sup>29</sup> Manhit, V.C. (2021, October 19). The rise of the Philippine cashless economy. Business World. <https://www.bworldonline.com/opinion/2021/10/19/404655/the-rise-of-the-philippine-cashless-economy/>.

<sup>30</sup> Manila Standard Digital. (2021, August 28). These Foodpanda riders are real superheroes on the road. Manila Standard. <https://www.manilastandard.net/pop-life/363530/these-foodpanda-riders-are-real-superheroes-on-the-road.html>

These work to normalise the acceptability of on-demand work and Filipinos' understanding of it as a viable and even altruistic work opportunity for Filipinos.

This first Fairwork Philippines report presents an overview of the working conditions on the digital labour platforms' efforts. Our research shows how some platforms are promoting better conditions while others cannot be evidenced to provide workers with the assurance of minimum levels of social protection.

## **Fairwork Philippines Scores 2022**

GrabCar (4W): 3

GrabExpress / GrabFood: 3

Angkas (2W): 2

Lalamove: 2

Borzo: 0

Foodpanda: 0

Joyride (2W): 0

TokTok: 0

Transportify: 0

The scores in this report are based on data gathered using the Fairwork Framework as laid out in the *Methodology* section. After desk research was conducted, at least six workers from each of the nine platforms were interviewed, and additional evidence was gathered from the platform management representatives who were willing and able to collaborate.<sup>31</sup> For each principle, a platform can be awarded 1 point for the first threshold and 1 point for the second threshold, accumulating to a total

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<sup>31</sup> The Team interviewed and obtained evidence from the management of Grab Food/Express, GrabCar, and Lalamove. Meetings were also held with Foodpanda, Borzo, and Angkas but these platforms were unable to supply evidence of their policies and practices. Joyride and Transportify acknowledged our invitation for interviews and documentary requests but were unable to meet with us nor supply evidence. The Team was unable to receive a response from TokTok.

of 10 points. Second points are only awarded if the first points are granted. The Appendix provides further details of the evidence used to score each point and how data was gathered.

**The breakdown of scores for individual platforms can be seen at [fair.work/ph](https://fair.work/ph)**

### ***Explaining the scores:***

#### **Fair Pay**

Of the nine platforms we studied this year, we could not find evidence that any of them ensured workers earn the minimum wage after factoring in the costs recalculated on a per hour basis. The minimum wage for Metro Manila is P537 per day (\$US 9.7). Recalculated at a per hour cost, this translates to P67 (\$US 1.21). After factoring in work-related costs such as fuel, mobile data, and supplies, this came up to P167 (\$US 3.02) for ride-hailing and P112 (\$US 2.02) for delivery. Although some workers in these platforms earned above the minimum wage, a significant number fell below it when work-related costs were factored in. We note further that even where workers met the minimum wage threshold, they did so often by working more than the 40-hour work week, with a few workers sharing with us that they work for 7 days a week for 9-12 hours a day. We could not evidence that any of the platforms we studied ensured workers earn at least the local living wage after costs (P710 or \$US 12.86 per day).

It is important to note that the study was conducted during the pandemic, which may have significantly affected the earnings of ride-hailing drivers of GrabCar, Angkas, and Joyride. We note further that the regulatory agency, Land Transportation Franchising and Regulatory Board (LTFRB), requires all vehicle owners applying to operate as a transportation network vehicle service (TNVS) to obtain a Certificate of Public Convenience (CPC). Under this scheme, LTFRB regulates the fees that

the TNVS can charge to prevent unfair pricing for customers.<sup>32</sup> Notably, such regulation may prevent some of the platforms from being able to guarantee that their workers earn above the minimum wage (for more, see the section *Recommendations for Next Steps*).

It is further worth pointing out that pay is often hard to estimate. Workers, in some cases, found it hard to compute their costs and hours of work.<sup>33</sup> In providing scores for this principle, we also referred to evidence supplied by the platforms. Additionally, for some platforms, pay has several components, with incentives constituting a significant share. Since incentives tended to be tied to long hours on the platform, they too contribute to extended hours of work.

## **Fair Conditions**

A first point was awarded to platforms if they could provide evidence that they mitigate risks faced by workers. Based on interviews with workers, these risks include road accidents, illness, scams, and fake bookings.<sup>34</sup> Platforms awarded this point offer free accident insurance while logged in, and safety gear and training paid for and conducted by the platform. They also have an emergency button or helpline for workers, provide protection against scams, and have clear data protection policies. Worker and management interviews provided ample evidence to award this point to GrabCar, GrabExpress, Angkas, and Lalamove. Other notable initiatives by GrabCar, GrabExpress, and Lalamove include passenger verification systems, Driver Safety Toolkits to advise riders and drivers

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<sup>32</sup> Land Transportation Franchising and Regulatory Board (2019). Memorandum Circular 2019-036: Fare Rates for Transportation Network Vehicle Services (TNVS). <https://lfrb.gov.ph/wp-content/uploads/2019/08/MC-2019-036.pdf>

<sup>33</sup> To this end, we asked workers to provide an estimate of the hours worked and earnings on a platform for the past five working days, and to share in-app earnings, if they were comfortable. We also asked workers to provide an estimate of their average work-related costs.

<sup>34</sup> Fake bookings victimise gig workers in the Philippines. Riders are scammed by “cash upon delivery” bookings where workers are required to shell out money on behalf of the customer, only to be scammed in the end. A prevalent type of fake booking is mass ordering to an unknown or fake address. The customer will order from a restaurant (often done in bulk, hence the high price for the booking) and will choose cash on delivery for the payment. According to some workers, fake bookings may be done by dismissed riders as a form of retaliation, or by individuals wanting to penalise the supposed recipient of bulk deliveries, without realising its consequences to workers. It has become a considerable issue that prodded the Philippine Senate to investigate and explore solutions. <https://www.cnnphilippines.com/news/2021/5/26/Senate-resolution-probe-labor-conditions-gig-economy-workers.html>

on road safety (in-app), as well as protection from app miscalculations, cancellations and fake bookings. GrabCar also offers hospitalisation assistance to its drivers and family members.

To earn the second point, platforms must prove they provide sick pay commensurate with a worker's pay level based on their earnings for the past 3 months. Platform workers are prone to illness and accidents due to the nature of their work. The absence of safety nets such as sick pay renders them vulnerable to financial insecurity. Our research has led us to conclude that there is insufficient evidence to award this point to the platforms studied. Although GrabCar and GrabExpress provided additional benefits (e.g., assistance for calamity, education, burial, or property damage), these were not commensurate with sick pay.

### **Fair Contracts**

For this principle, the first point was awarded when a platform could evidence clear and accessible terms and conditions for workers that are, subject to Philippine laws and communicated to them in ways that are understandable. We also considered whether workers are informed of any changes in policies within a reasonable timeframe. GrabCar, GrabExpress, Angkas, and Lalamove were awarded this point. There was evidence that the contracts were explained to the workers during orientation, or that key provisions were translated in more understandable forms through in-app or social media announcements in a mix of English and Filipino. We also found evidence that workers were notified of policy changes before they took effect. However, we could not find evidence that any of the platforms studied ensured no unfair contract terms were imposed. Thus, the second point under this threshold was not awarded

### **Fair Management**

The first point for Fair Management was awarded to platforms that demonstrated due process in decisions affecting workers, including low ratings, non-payment, deactivations, fake bookings, or other disciplinary actions. Of the nine platforms studied, GrabCar and GrabExpress were awarded the first point for evidencing a channel for workers to communicate with a human representative of the platform, which is also documented in their contract or terms and conditions. There was also evidence that the communication channel accommodates workers' concerns within a reasonable

timeframe. This appeals process is also available to workers who no longer have access to the platform. Our interviews showed that some workers had to deal with unresponsive chat support systems, leading to unnecessary delays in task performance, which also translated to income losses. Some platform communication systems were attentive to passenger and consumer-related issues but not to questions on pay, deactivations, or suspensions. Notably, some workers expressed concern about foreign communications personnel who could only speak English or responded only with prepared acknowledgment scripts but ignored the nuances of their concerns.

No platform was awarded the second point for Fair Management. Some platforms were found to take some practical measures to promote the onboarding of workers from disadvantaged groups, such as women, persons with disabilities (PWDs) or the LGBTQi+ community, or promote mechanisms to reduce the risk of users discriminating against them. However, there was insufficient evidence that these measures were articulated as explicit policies that are consistently and regularly upheld. Most platforms could also not evidence transparency and fairness in their algorithms to guarantee equitable outcomes for disadvantaged groups. Platforms already practicing or implementing projects to support non-discrimination are strongly encouraged to adopt this as an explicit policy.

### **Fair Representation**

The first point for this principle was awarded when workers had access to channels to express their collective voice and were not penalised for seeking such channels or expressing their demands collectively. We examined whether these channels were articulated as a policy upheld by the platforms. The second point is awarded if there is evidence of worker associations that are permitted and recognised by the platform so that workers can meaningfully participate in governance.

Platform workers organise on social media platforms such as Facebook, Messenger, or Viber. Yet, these modes of organising are used mostly to facilitate an exchange and support system, to share stories of grievances and strategies for survival, or for workers to pitch in assistance to needy or scammed workers. These channels do not currently act as formal collectives with the capacity to collectively bargain with the management.

There is evidence that some platforms co-facilitated and recognised the organisation of worker groups and that the management arranged meetings with them. However, we could not find evidence of explicit policies supporting these forms of association and their recognition as bargaining entities. This means we cannot affirm whether such associations functioned as channels to cascade platform announcements rather than as bodies to generate collective worker demands that the platform will willingly and regularly act on. There was also insufficient evidence that any platform currently recognises or is willing to recognise worker associations or trade unions. Therefore, none of the platforms received a point for Fair Representation.

## **Platforms in Focus**

### **Grab PH**

The ratings achieved by platforms in the Philippines are relatively low and indicate a significant need for improvement if gig workers are to enjoy decent work standards. Within this generally poor performance, Grab achieved the top score of 3 out of 10 for GrabCar and GrabFood/GrabExpress. Grab is a digital platform headquartered in Singapore and operating across eight countries in Southeast Asia. It first started in 2012 in Malaysia as MyTeksi, expanding as Grab in 2016.

Grab started its operations in the Philippines in 2013 with the introduction of GrabTaxi. After having attracted investment, Grab has now evolved into a super app. GrabTaxi and GrabCar are ride-hailing services provided by four-wheel (4W) driver-partners. *GrabFood*, *GrabExpress*, *GrabMart*, and *GrabPabili* are courier and purchasing services offered by two-wheel (2W) delivery-partners. Grab also offers consumer-based services, namely, *GrabPay*, *GrabRewards*, and *GrabGifts*. The first two services are the largest of its kind. Grab's ride-hailing service gained monopoly status over the sector after Uber's exit from the Philippines in 2018 as part of its regional integration with Grab.<sup>35</sup>

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<sup>35</sup> Venzon, C. (2018). Uber to end service in the Philippines on Monday. Nikkei Asia. <https://asia.nikkei.com/Business/Companies/Uber-Grab-moves-closer-to-Southeast-Asian-integration>

Grab's driver-partners are considered independent contractors who have the flexibility to choose their work hours. Specifically for ride-hailing, vehicle owners must register first to be classified as a transportation network vehicle service (TNVS). Submission of government documents is a standard step in the application process. As a TNVS, they are bound by the government's franchising and regulatory policies in order to operate.<sup>36</sup> If the vehicle is owned by a different person, referred to as the operator, the operators secure this franchising certificate. Many drivers we interviewed did not own their cars; rather, they worked under operators who own and manage the car, or a fleet of cars.

Grab offers some assistance and benefits to workers, such as the GrabCare Package, which includes calamity, hospital, and educational assistance. Another benefit is the Ka-Grab Rewards Plus for 4W partners, a tier-based program that offers commission rebates, fuel discounts, an HMO package, and personal accident and life insurance. The program hopes to incentivise 4W drivers to meet a certain number of rides on the Grab app. Drivers can also activate location sharing to monitor their whereabouts and to safeguard against criminal activities.

When the pandemic hit, 4W drivers were among those who bore the brunt of income loss. Grab handed out some financial assistance by making loan packages available. To help mitigate income losses during the lockdown, GrabCar also launched the Grab *Bayanihan* programme to form a specialised fleet to transport healthcare workers. Driver-partners who volunteered and were selected under this programme were guaranteed a minimum daily income of PhP550 (\$US 9.96) for 8 hours of service, together with gas vouchers and free data plans. Hygiene and infection prevention training and personal protective equipment were also provided for drivers participating in the programme.<sup>37</sup>

Grab PH promotes inclusivity by welcoming women drivers and people with disabilities (PWDs) as delivery-partners. It foresees a growth in the number of women drivers in the coming years<sup>38</sup>. To protect women, Grab Academy conducts a Gender-Based Harassment Education in coordination

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<sup>36</sup> See discussion on LTFRB policies under the 'Explaining the Scores' section.

<sup>37</sup> Abadilla, EV. (2020, June 8). Grab launches fleet of Bayanihan cars. Manila Bulletin. <https://mb.com.ph/2020/06/08/grab-launches-fleet-of-bayanihan-cars/>

<sup>38</sup> Abadilla, EV. (2022, March 27). Grab PH sees 100% growth in female drivers. Manila Bulletin. <https://mb.com.ph/2022/03/27/grab-ph-sees-100-growth-in-female-drivers/>

with the Philippine Commission on Women. Given its efforts, we hope Grab will articulate an explicit policy on equal opportunity and non-discrimination that includes a commitment to a fair and transparent use of algorithms.

Grab PH initiated the organisation of its drivers per area, i.e., Grab South and Grab North, which are now independently run by workers. Workers elect their own leaders. Grab management meets with the representatives through in-person and virtual sessions. Although Grab’s driver community has some mechanism to collectively express their issues and concerns to the Grab Engagement team, we hope Grab will articulate a formal policy to recognise and bargain with this collective body of workers– covering both its driver-partners and delivery riders.

## **Angkas**

Angkas, which translates to ‘ride behind the driver’ in Filipino, is a pioneer local motorcycle (MC) taxi platform that started in 2016.<sup>39</sup> The worsening traffic congestion,<sup>40</sup> especially during rush hours, prompted commuters to look for efficient ways of public transportation. Booking a motorcycle-for-hire via an app became a popular option.

The budding MC taxi industry was met with challenges in terms of the legality of its operations and safety hazards, following a controversial government crackdown in 2017.<sup>41</sup> The Angkas management, however, advocated to “get the right legislation in place to establish MC taxis as a safe alternative mode of transportation and help create a nation of entrepreneurs that will allow them to take care of their families.”<sup>42</sup>

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<sup>39</sup> Angkas. (n.d.). A joy to ride. <https://www.angkas.com/about/>

<sup>40</sup> Dela Pena, K. (2022, March 18). In post-COVID public transport, gov’t gives glance at motorcycle taxis. Inquirer News. <https://newsinfo.inquirer.net/1570301/in-post-covid-public-transport-govt-gives-glance-at-motorcycle-taxis>

<sup>41</sup> Dionora, G. (2020, January 24). Where did Angkas go wrong? A timeline. ABS-CBN News. <https://news.abs-cbn.com/ancx/culture/spotlight/01/24/20/heres-a-definitive-timeline-of-the-angkas-saga>

<sup>42</sup> Panganiban, I. (2021, December 7). Royeca takes over Angkas. The Manila Times. <https://www.manilatimes.net/2021/12/07/fast-times/royeca-takes-over-angkas/1824941>

After negotiations with government agencies such as the Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), and Department of Transportation (DOTr), Angkas was allowed to operate again under certain conditions, which would be overseen by the government as part of the efforts to study the legality of MC taxi companies in the country.

Angkas continues to lobby for “a proper system to protect bikers from being regarded and treated as second-class citizens on the road”, which includes lobbying for bike-friendly infrastructure.<sup>43</sup> A recent partnership with the Technical Education and Skills Development Authority (TESDA) seeks to professionalise the MC taxi industry through a five-day basic training program where riders learn proper motorcycle driving and road safety.<sup>44</sup> A driving test is part of the screening and recruitment process of Angkas. Apart from testing the applicants' driving skills, prospective riders must submit government documents, complete a training and pass a motorcycle-driving safety exam, and attend an orientation.

Angkas riders are covered by an insurance policy since they are at a high risk of incurring injuries and, even worse, death. When COVID-19 vaccines became available, riders were required to be vaccinated and Angkas helped facilitate this process. When mobility restrictions started to ease, its workers shared that Angkas waived its 20 percent commission from the total fare for six months to give riders the leeway to recover from the economic impact of the pandemic.<sup>45</sup>

## **Workers' Stories**

### **Norman and Alex:**

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<sup>43</sup> Motoph Admin. (2022, April 4). Angkas gathers multi-party senatoriales to push for the welfare, protection of 18-M bikers. Motoph. <https://www.motoph.com/angkas-gathers-multi-party-senatoriales-to-push-for-the-welfare-protection-of-18-m-bikers/?fbclid=IwAR1vqNQzszxsq-OlvQJnIFTbGZGevfOosHq677qJYwK3x5tTZ6CHmASTozs>

<sup>44</sup> TESDA. (2022, April 6). Launching of the TESDA-Angkas Basic Motorcycle Driving Program. Facebook. <https://www.facebook.com/TESDAOfficial/posts/342726307889523>

<sup>45</sup> Based on interviews with Angkas riders, October to December 2021.

The public transportation sector was one of the hardest hit sectors by the COVID-19 pandemic in the Philippines. When the government announced a lockdown in March 2020, passenger vehicle drivers like Norman\* and Alex\* were severely affected. For several months, the government continued to impose a strict lockdown that restricted people's mobility. With fewer passengers, thus less income, both Norman and Alex – along with many other platform workers we interviewed – moved to do last mile delivery and food delivery services using motorbikes, which were in high demand.

Norman, 26, has been a tricycle (a three-wheeled motor vehicle) driver for four years. For the last two years, he has made himself available daily for two delivery apps: Foodpanda and Borzo. He likes one app better due to its higher rates. However, his preferred platform imposes a fixed schedule that changes weekly. At times, he cannot get a job because his previous week's score, based on key performance indicators, did not fare well. He then accepts bookings from the other platform, although with lower rates, as a contingency measure to ensure a continuous income.

A batching system that ranges from 1 to 6 determines his shift schedule and service fees category for the upcoming week. Batch 1 has the highest base fare at P60 (\$US 1.08<sup>46</sup>) for the first two kilometres. He explained to us how the lower the batch number, the lower the base fare he receives. So he tries his best to meet what he understands to be the platform's criteria for assigning workers in batches. Norman told us he laments how, despite being on their best behaviour -- accepting all rides, working during designated peak hours, and completing his deliveries in a timely manner -- workers can still be downgraded in their batch assignments without fully understanding why.

After completing his deliveries, he remits the cash collection and the platform's commission through accredited payment kiosks. The remaining amount is his income for the day. A sample of his latest income showed an average earning of P640 (\$US 11.59) a day for about six hours of work, without factoring the immediate costs of gas and mobile data. With the other platform, he would have to be online and ready to take orders for a longer period, from 8 am to 7 pm (11 hours), to earn the same amount.

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<sup>46</sup> Exchange rate calculated at US\$1=P55.20

Alex, on the other hand, has roamed the streets of Manila as a taxi driver for seven years. To continue supporting his wife and two of his children, he applied to several delivery platforms and signed up immediately with the first one that replied to him: Mr Speedy (now Borzo). He considers the rates to be the same across competing platforms. Sadly, according to him, these companies compete by offering the lowest standard delivery fares. When one platform reduces its rates, the others, Alex argues, will follow suit. For instance, the delivery fee for a distance of about 13 kilometres went from P100 (US\$1.9) to as low as P40 (\$US 0.72). The platform explains that this scheme of changing the base fare is to lure in more customers. But for Alex, this strategy, along with the increasing fuel prices, puts riders like him on the losing end due to the dwindling take-home pay. He has been with the platform for almost two years, but he finds the situation financially unsustainable and demotivating.

Alex starts his day at 9am and spends approximately 54 hours a week (including long waiting periods) for an average of P1,020 (\$US 18.47) daily income. He likes bringing packages to long-distance areas because he gets a higher pay. The pay is even higher if he can book a backload. This way, he maximises his earnings. Yet, this means getting home exhausted at 11 pm.

During the pandemic the platform provided some supplies of vitamins and supplements. But sick days meant missed earnings. As an independent contractor, he did not qualify for health benefits enjoyed by tenured employees.

Hoping to improve his situation, Alex applied to become a delivery rider at a pizza store. He longs for the stability of fixed hours, consistent income, and employment. He has not heard from the company yet. He worries that he will not get the job since he's 51 years old.

Platform workers in the courier and food delivery industries struggle with the fluctuating service fees, sometimes with no explanation from the company. Taking into consideration riders' operational costs – fuel, mobile phone credit for data and calls, vehicle repair and maintenance, monthly repayments of smartphone and vehicle loans, boundary fees to vehicle owners – they are often left

with an income that falls short of the country's daily minimum wage of P537 (\$US 9.72). Riders like Alex and Norman have to counter this by working painfully long hours.

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### **The Case of Mang Roger: Vulnerabilities of platform work**

Most interviews we conduct in Fairwork are with active platform workers. In some ways this presents a bias towards workers that can, or choose to, remain on the platform. But Mang Roger's case is different. When he responded to our call for an interview via a Facebook group of platform drivers, we thought he was still an active driver. Our interview with him, however, revealed a snapshot of a reality much more widespread than we had envisioned. That is the experience of workers who had pinned their hopes and dreams on platform work but were forced out of it during the pandemic.

Mang Roger became interested in ride-hailing platforms in 2015, due to the promises of good earnings and flexibility. He saw the attractiveness of platform work from the news, through conversations with former colleagues, and on YouTube videos. He invested his retirement funds to pay the down payment for a car so that he could work as a driver for Uber, which later became GrabCar. In the beginning, he was able to take home a good enough earning to support his family and continually pay his monthly instalments, and thus, did not mind the limited social security benefits. The platform he worked for even provided good incentives in addition to the base rates. Although he expressed dismay that the incentives had been reduced over time, he told us that, overall, his earnings allowed him to earn comfortably and sustain the car's monthly instalments along with the maintenance expenses.

When the pandemic struck, government lockdowns significantly restricted mobility. For months, inter-city crossing was limited to essential workers alone. Rides became extremely curtailed, meaning there was insufficient work for Roger to earn even the minimum daily wage. The platform he worked for offered some initial alternate arrangements, through partnerships with the government, to transport frontline workers and relief supplies. This helped assuage the lack of

customer ride orders on the platform. However, according to Roger, such opportunities were rare and offered only to a few drivers with the best ratings. As the pandemic went on, rides continued to be scarce, and Roger's debts piled up. The situation pushed him to borrow money from family and friends to pay his car's mortgage, especially as he only had less than a year of instalment to pay.

With many Filipinos struggling to remain afloat, Roger had no one left to borrow money from. As the demand for rides remained low, he received an ultimatum to pay for his car's remaining instalments. His car was taken away from him in 2021, and all his past payments went down the drain. He ended up with no car and no job. Roger and his wife are both senior citizens and have used up a significant amount of their retirement pay. They are unsure how they will survive the rest of the pandemic.

\*Names changed to protect worker identity

### **THEME IN FOCUS: Exercising Control Without the Accompanying Responsibilities**

Platform workers in the Philippines usually do not work under a formal employee-employer model. Rather, they are considered 'freelancers,' service delivery partners, or independent contractors paid "per gig or service rendered". As with many other platform workers globally,<sup>47</sup> their status as independent contractors rather than employees disqualify them from important social protections provided under Philippine labour laws. Whereas the full-time employment model covers paid breaks, lunchtime, vacation, health insurance, sick leave, social security, separation pay, and retirement benefits, these benefits are often unpaid in the platform model or left to the prerogative of the digital labour platforms. Filipino platform workers and particularly delivery riders believe that the rising demand for employment on platforms allows these employers to continue to violate employee rights.<sup>48</sup>

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<sup>47</sup> Lane, M. (2020). Regulating platform work in the digital age. Going Digital Toolkit Policy Note, No.1. <https://goingdigital.oecd.org/toolkitnotes/regulating-platform-work-in-the-digital-age.pdf>

<sup>48</sup> Bingham, V., & Bingham, J.M. (2021). Filipino delivery riders' predominant employment conditions: toward policy implications [Conference presentation]. The Sociology of Vulnerabilities and Resistance: New and Emerging Challenges on Lives, Communities, and Places. Manila.

Platforms generally claim that they are “purely technology companies” or an “intermediary that connect[s] the actual parties to the delivery transaction.”<sup>49</sup> However, platforms do not just act as mere intermediaries; they wield substantial control and determine labour arrangements in the platform economy. Because of the uniqueness of this arrangement, it creates many ambiguities on what regulations apply to it.

Courts in the UK, Spain, France, and the Netherlands have taken decisions to consider platform workers as employees, and not contractors.<sup>50</sup> The recent DOLE Labor Advisory 14 notes that platform workers can be considered employees (with entitlement to benefits and protections accorded by Philippine labour laws) or independent contractors. As independent contractors, they are meant to enjoy a set of safeguards, albeit more limited than regular employees, which includes having guaranteed earnings of at least the minimum wage, access to social security benefits, and entitlement to occupational safety and health standards.<sup>51</sup>

This is a significant development, albeit one which awaits being implemented by most platforms and being fully enforced by the government. The labour advisory has also been criticised to be vague – interpreted as allowing platforms to make their own decisions on whether to treat their workers as employees or as independent contractors. It therefore falls upon the workers to contest their status and fight this out in potentially long battles in court.

### **Techniques of control in on-demand gig-work**

In Philippine law, a four-fold test is used to determine an employer-employee relationship, keeping in consideration the following elements: "(1) the selection and engagement of the employee; (2) the payment of wages; (3) the power of dismissal; and (4) the power to control the employees'

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<sup>49</sup> Gamboa, J. (2021). Adopting Miller’s First Principles for Online Food Delivery Platforms’ Labor Regulating in the Philippines. <https://www.phcc.gov.ph/column40-bm-caca-digitalmarket-gigeconomy-labor-competition/>

<sup>50</sup> De Stefano, et. al., (2019). Platform work and the employment relationship. ILO Working Paper 27. [https://www.ilo.org/global/publications/working-papers/WCMS\\_777866/lang--en/index.htm](https://www.ilo.org/global/publications/working-papers/WCMS_777866/lang--en/index.htm)

<sup>51</sup> Department of Labor and Employment (DOLE). (2021). Working Conditions of Delivery Riders in Food Delivery and Courier Services. <https://www.dole.gov.ph/news/labor-advisory-no-14-21-working-conditions-of-delivery-riders-in-food-delivery-and-courier-activities/>

conduct."<sup>52</sup> The control test (#4) entails that an employer-employee relationship exists when the person for whom the services are performed reserves the right to control the ends achieved and the manner and means used in reaching those ends.<sup>53</sup>

Beyond these four elements, another standard of economic dependence is used to determine the type of relationship between the employer and the employee. Known as the “economic reality test,” this standard determines whether the services rendered by a worker are considered integral to the employer's business. It also determines the extent of the worker's investment in equipment, the degree of control exercised by a firm, and the degree of worker dependency upon the employer for continued employment. Based on our interviews, we found many workers are dependent on platforms for their livelihood and survival. Legal and policy analyses have also suggested that platform workers should be treated like employees following these tests.<sup>54</sup>

We now turn to outline below the different ways platforms exercise control over their workers:

#### *Entry, visibility, and ordering*

The digital nature of labour platformisation means who is allowed to enter the platform, and who will be given a job, is determined based on content generated in the platform (i.e., star ratings, job completion and timeliness, acceptance rate, among others). Platforms also determine when workers can be eligible to provide certain services. For example, some platforms only allow new entrants to handle parcel delivery and require months of experience and good ratings on the platform before they are eligible to handle food delivery. They also have the power to determine which workers will be given jobs based on performance ratings.

#### *Data and transparency*

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<sup>52</sup> Atok Big Wedge Co., Inc. v. Gison, G.R. No. 169510, 655 SCRA 193, 194 (2011). See also Alegre, 2019.

<sup>53</sup> Ibid.

<sup>54</sup> Alegre, 2019; Gamboa, J. (2021). Adopting Miller's First Principles for Online Food Delivery Platforms' Labor Regulation in the Philippines. *Philippine Journal of Public Policy: Interdisciplinary Development Perspectives*. 198-213. <https://doi.org/10.54096/DIHG6677>. See also opinion from the Philippine Competition Commission <https://www.phcc.gov.ph/column40-bm-caca-digitalmarket-gigeconomy-labor-competition/>

Platforms determine the kind of data they collect about the workers, which can be made visible to customers and vendors and which workers themselves may not always be aware of. Platforms also determine what they will do with the aggregated workers' data, including what interactions and conditions are possible based on that data. Scholars have argued that the platforms' ability to attract investments is explained not only by the service generated but also by the potential value of digital data that is generated before, during, and after service provision.<sup>55</sup>

### *Pricing, rating, benefits*

Platforms match a worker with a customer and service, determine the rate per service provided, and extract value from this relationship. The absence of regulations in terms of pay implies that different platforms have different mechanisms for determining pay. Still, many of these remain black boxes, with significant opacity around how they work. Many workers we interviewed for this study were unsure how their rates were calculated. This was a concern raised in the riders' protests of Davao in 2021.<sup>56</sup> The opacity of how jobs are allocated and how rates and incentives are determined makes it challenging to pinpoint variations between platforms. Platforms' calculations of workers' earnings may vary depending on rates per distance and how distance is calculated (i.e., locational distance vs. actual driving distance).

One platform uses a batching system for its riders. Putting a worker in a particular batch influences their base rate for each service provided and shapes the worker's schedule (e.g., which hours they would be assigned for deliveries). Workers are placed in batches based on performance and prescribed metrics, which are in turn calculated based on several parameters like not cancelling rides, working for a recommended number of hours, or working during peak times and days.

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<sup>55</sup> Van Doorn, N. & Badger, A. (2020), Platform Capitalism's Hidden Abode: Producing Data Assets in the Gig Economy. *Antipode*, 52: 1475-1495. <https://doi.org/10.1111/anti.12641>

<sup>56</sup> Francisco, C. (2021). Food delivery riders in Davao City protest vs policies that reduce their earnings. *Philippine Daily Inquirer*. <https://newsinfo.inquirer.net/1460860/food-delivery-riders-in-davao-city-protest-vs-policies-that-reduce-their-earnings>. See also Rey, A. (2021). Foodpanda riders, suspended for 10 years, only wanted decent income. *Rappler*. <https://www.rappler.com/business/foodpanda-riders-suspended-years-only-wanted-decent-income/>

Another indirect method of control has to do with the platform's capacity to hire as many workers as they want<sup>57</sup>, which also affects workers' long wait times and earnings. For other platforms, incentives are based on workers' performance. Incentives may be structured around working in platform-designated times and days. All these create a hyper-competition environment in which workers race to deliver work in the best way they can.

Platforms also control how workers receive their earnings, which is a combination of cash and cashless payments depending on the preference of customers. Workers get a hold of their earnings either daily or weekly. For some platforms, getting their share from cashless transactions is easy. For others, cashless transactions need to be withdrawn through a bank account or digital wallet such as GCash, on which cashing out fees can be incurred. Some workers also complained of challenges when there are system errors or when the system is down. In these cases, workers are forced to think of workarounds to remit payments to platforms and transfer earnings to their own accounts.

#### *Management, evaluation, deactivation, and mechanisms for redress*

Platforms determine the mechanisms, not just for entry and hiring, but also for the suspension and deactivation of accounts. The platform design usually includes a digital communication support system (e.g. a chatbox) to communicate with workers. The design determines how responsive or timely this support system can be, whether workers will be able to communicate with a human representative of the platform, and whether it will be pro-worker or not.

An evaluation system is built on this interface and factored into the calculation of incentives and benefits, as well as decisions regarding the worker's future on the platform (e.g., getting promoted, suspended, or deactivated). These ratings and incentives are structured to compel workers to be on their best behaviour during deliveries. A worker who obtains a low average score and poor reviews due to cancellations or late deliveries may be penalised by the withholding of incentives, suspension of their account, or even termination.

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<sup>57</sup> This is with the exception of ride hailing platforms. The number of vehicles allowed for ride hailing, whether as car or motorcycle, is regulated by the Land Transportation Franchising and Regulatory Board (LTFRB). See Memorandum Circular Board Resolution Number 65, s 2022. <https://ltfrb.gov.ph/wp-content/uploads/2022/04/BR-2022-065.pdf>

Other forms of management are wielded through the chat support system built into the app, which becomes the binding force of written and unwritten guidelines over the riders. For example, when workers are suddenly reprimanded or suspended, they may not know why. They may then raise issues in the chat support and may, or may not, get a reply. Through the chat responses, workers realise the parameters of what is considered acceptable behaviour by the platforms. The absence of regulatory guidelines means some platforms have responsive management and chat support systems while others do not. For some platforms, guidelines are clear on when workers can be suspended, and workers have a way to make appeals. For others, it can take days without a response, which may translate into riders losing vital work opportunities. For some workers, the silence or absence of a response is considered a form of punishment, which influences worker behaviour. All these examples show that platforms have the power of dismissal over their riders, often without fair due process.

#### *Right to organise and participate in meaningful governance*

Included in the mechanisms for redress is the workers' right to organise, protected under the Freedom of Association and Protection of the Right to Organize.<sup>58</sup> As individuals, riders may feel intimidated to raise concerns or complaints. However, as “non-employees,” they are not legally protected in case they decide to engage in collective action<sup>59</sup>. Because they are seen as “independent contractors” with whom platforms transact on an individual basis, platforms deal with protesting workers individually, thus undermining the force of their collective voice. This is what happened in the case of riders in Davao who gathered as a collective to protest.<sup>60</sup> The platform chose to attend to their concerns individually and took back those willing to cooperate without attending to the roots of their concerns.

#### *Summary*

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<sup>58</sup> ILO (n.d.). ILO Declaration on Fundamental Principles and Rights at Work. <https://www.ilo.org/declaration/lang--en/index.htm>

<sup>59</sup> Alegre, A. (2019). Navigating the regulatory framework for on-demand food delivery platforms. *Philippine Law Journal*, 92(3), 651-684.

<sup>60</sup> Canivel, R. (2021, July 19). Foodpanda suspends riders for 10 years. *Philippine Daily Inquirer* <https://newsinfo.inquirer.net/1461195/foodpanda-suspends-riders-for-10-years>

Platform workers are perceived to work on an own-time, own target basis, and consequently have no set working hours. They can turn on the app and start taking deliveries whenever they like. They can also exit platform work with relative ease. This setup would appear to suggest they have complete control and flexibility over how they wish to conduct their work.

However, there are multiple forms of control wielded by platforms over platform workers. Digital labour platforms can influence work conduct over their workers, without having to provide basic fair working conditions. On top of this, workers shoulder work-related costs such as gas, internet/data costs, and vehicle maintenance. These come in addition to fixed capital costs such as a vehicle, smartphone, onboarding costs, uniform, or their helmet.

Although some platforms provide accident insurance and safety mechanisms, others ask their workers to seek their own insurance. It is common for workers to pool together meagre resources through crowdsourcing in social media groups when they fall ill or are involved in an accident.

How platforms can do this is by the very nature of their socio-technical system that allows them to maintain control – not hierarchically but through a network. This means that they govern the labour process from a distance by appearing to diffuse some control over other agents, such as workers, vendors or customers.<sup>61</sup> Because the control does not appear to be direct, they are able to elide certain statutory obligations that would force them to provide fair working conditions.

The aforementioned ambiguity of platforms' role *vis-a-vis* their workers renders Philippine governing laws and policies unready to account for this mechanism. Yet, this location-based platform economy continues to expand with more platforms sprouting despite the absence of workable mechanisms to ensure worker's protection and support. We further express the concern that the cultural normalisation of this contractual labour management system can have broader structural or systemic effects beyond the platform economy, by further weakening standard employment in the Philippines.

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<sup>61</sup> Vallas, S, & Schor, B. J. (2020). What Do Platforms Do? Understanding the Gig Economy. *Annual Review of Sociology* 46:1, 273-294. <https://doi.org/10.1146/annurev-soc-121919-054857>.

In sum, platforms externalise responsibility while still exercising power and control over workers. This should not render digital labour platforms unaccountable to the working conditions platform workers experience on these platforms. Labour inequalities will persist—perhaps in different iterations -- unless we shift our paradigm of progress and innovation directed at pursuing profit and efficiency into a more pro-worker model that respects and prioritises fair labour conditions.

## **MOVING FORWARD: Next Steps for The Philippine Platform Economy**

This is the first study on the platform economy in the Philippines in light of Fairwork principles . We have established a baseline for the current situation of the country’s platform economy, which allows us to study its development and update our ratings on an annual basis. In consideration of our findings, we present the following ways of moving forward to advance towards the improvement of work conditions for platform workers in the Philippines:

*(Figure 1: Pathways of Change)*

**I. Platforms.** Our first and most direct pathway to improving working conditions for workers is by engaging directly with the platforms. We recommend that platforms adopt the following measures to improve working conditions:

- Platforms should ensure that no worker earns below the minimum wage after costs and aim to grant a living wage after costs. We note that these are *basic* thresholds for a decent income and must be guaranteed for workers regardless of employment status.
- Platforms should provide safeguards such as free accident insurance to protect workers from task-specific risks and provide a safety net against financial vulnerabilities, such as the provision of sick pay. Many platforms, moreover, do not have insurance against scams and fake bookings or mechanisms to compensate riders in such scenarios. Workers should not be asked to shoulder the burden of fake bookings. They may also consider replacing cash on delivery and migrating to an accessible financial payment system (e.g., GCash and Maya) to ensure advance payment for food deliveries.

- Platforms should establish a transparent and even-handed process for formulating policies that affect workers. Platforms must ensure that significant changes to their policies are discussed fully with workers, especially if these impact income levels. Workers should also be able to appeal disciplinary decisions through a fair and accountable mechanism, and promote non-discriminatory policies.
- Workers should be granted the right to collectively voice their concerns and should be provided with the infrastructure (email lists, office space, etc.) for meaningful bargaining and governance.

**II. Policymakers.** Fairwork Philippines will continue to engage with policy makers to advocate for the rights and protection of Filipino platform workers. Based on our research, these are Fairwork's recommendations for policymakers in the Philippines:

***Government must enact a policy to formalise platform workers' employment status***

- Platform workers, due to their ambiguous status as independent contractors or mere 'technology users', are denied employee rights, benefits, and protections. There are also unique challenges in enforcing minimum wage laws due to the ambiguity of this worker classification, resulting in pay disparities across platforms.
- Another fundamental problem that regulators should consider is the lack of social protection. This is a concern, given that the types of work undertaken by platform workers expose them to a high risk of accidents, traffic violations, and illnesses.<sup>62</sup> Bodily injuries are often unavoidable in the transportation sector, and riders face physical and psychological stress to maintain good ratings. Their mental health is often affected due to demanding and dissatisfied customers, with customer ratings determining their performance levels and rankings.<sup>63</sup> Challenges with job misclassification prevent workers from getting proper social protection like SSS, Pag-Ibig, Philhealth, and ECC, even when there is a clear need for this.

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<sup>62</sup> Shen, X., Zhang, F., Lv, H., Wei, S., & Sun, Z. (2020, September). The application and extension of the theory of planned behavior to an analysis of delivery riders' red-light running behavior in China. *Accident Analysis & Prevention*, 144(105640). <https://doi.org/10.1016/j.aap.2020.105640>

<sup>63</sup> Bingham, V., & Bingham, J.M. (2021). Filipino delivery riders' predominant employment conditions: toward policy implications [Conference presentation]. *The Sociology of Vulnerabilities and Resistance: New and Emerging Challenges on Lives, Communities, and Places*. Manila.

New registration processes, contributions, funding, and benefit distribution systems would be required to provide social safety to previously unprotected groups such as platform riders. Yet, currently, social protection consists of contributory systems, which compel riders to contribute a percentage of their wages to these schemes. Thus, if enacted, a policy change would also require platforms and the government to instil trust and raise awareness among platform employees.

- Appropriate worker classification via policy or employer due diligence is a good starting point to ensure social protection for platform delivery riders. Hiring platform workers as employees would qualify them for access to social protection under current labour rules<sup>64</sup> such as, but not limited to, the following benefits: 5-days annual service incentive leave, holiday pay, overtime pay, maternity benefit, paternity benefit, single-parent benefit, retirement, and 13th-month pay.
- Having strong representation strengthens workers' capacity to bargain for social protection. However, it is crucial to establish a formal collective bargaining process, which is currently only available for workers under an employee status according to local labour laws. The independent contractor status reduces riders' bargaining power in establishing performance targets, remuneration, benefits, and other critical protections. If they organise, platforms could use antitrust laws against self-employed workers.<sup>65</sup> The declining strength of organised labour exacerbates worries about social protection,<sup>66</sup> especially with declining union density in the country.<sup>67</sup>

Ultimately, platform workers need to be protected by labour laws, which, most importantly, requires an overhaul of the neoliberal and crisis-ridden economic policy regime that has been in place for decades in the country.

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<sup>64</sup> International Labour Organization (2021). Extending social security to workers in the informal economy: Lessons from international experience (2nd ed.). <https://www.ilo.org/manila/areasofwork/informal-economy/lang--en/index.htm>

<sup>65</sup> Lane, M. (2020). Regulating platform work in the digital age. Going Digital Toolkit Policy Note, No.1. <https://goingdigital.oecd.org/toolkitnotes/regulating-platform-work-in-the-digital-age.pdf>

<sup>66</sup> Gonzalez, E., & Manasan, R. (2002). Social protection in the Philippines. Social Protection in Southeast and East Asia, Singapore, Friedrich Ebert Stiftung.

<sup>67</sup> Hutchison, J. (2016) 'The state and employment relations in the Philippines', *Journal of Industrial Relations*, 58(2), pp. 183–198. doi: 10.1177/0022185615617958.

### ***Interim Policies***

Passing or amending laws in the Philippines takes a significant amount of time. However, workers need social protection as soon as possible. In the interim, the government must facilitate existing forms of protection and social support for platform workers independent of their employment status:

- The government needs to set a standard to ensure workers receive at least a minimum wage after costs, without having to work overtime. Many Filipino platform workers rely on platform work as their primary source of income, if not the sole source of income. Therefore, ensuring fair pay for workers is essential.
- The government must set a policy that protects workers from basic task-specific risks, following basic occupational and health standards for workers in the country. Mandating the registration and coverage of portable accident and health insurance, in the case of worker's changing platforms, would be an essential step. In the absence of these legal protections, platform workers will continue shouldering the responsibility for their social security.

The two recommendations above are already included in the DOLE Advisory 14, 2021<sup>68</sup> (the exception being that it does not factor in work-related costs in the threshold of earnings that platforms must guarantee). The government must institute operational mechanisms to implement this policy so that it can actually be invoked by platform workers and they can be sufficiently protected when they invoke it.

- The government must set a policy that ensures workers' access to communication mechanisms which allow them to effectively express operational concerns and raise appeals when faced with suspensions or deactivations.

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<sup>68</sup> DOLE. (2020). Labor Advisory No. 09-20 Guidelines on the implementation of Flexible Work Arrangement as Remedial Measure due to the Ongoing Outbreak of Coronavirus Disease 2019 (COVID- 19). <https://www.dole.gov.ph/news/labor-advisory-no-09-20-guidelines-on-the-implementation-of-flexible-work-arrangements-as-remedial-measure-due-to-the-ongoing-outbreak-of-coronavirus-disease-2019-covid-19/>

- Many platforms prefer to deal with workers individually and refuse to recognise worker collectives, especially in protests and grievances. The government must intervene and facilitate mechanisms so that platform workers can meaningfully express their collective voice and ensure that workers do not suffer from termination for this. Workers currently have limited legal protection when it comes to conflict resolution, and exploitation can occur when workers' free agency, bargaining power, and rights are restricted.<sup>69</sup>
- The government must revisit policies that may prevent workers from earning a minimum wage. For example, the regulation of TNVS fees must balance customer concerns without preventing workers from earning at least the minimum wage after costs.

### **III. Promoting social dialogue, rights awareness, and the value of collective voice among platform workers**

Platform workers in the Philippines often organise informally, via social networking groups or as they congregate while waiting for orders. These function as spaces for belonging, self-help, and strategy exchange rather than collective associations that have recognised bargaining power with platforms. Nonetheless, there are also some collective worker organisations sprouting in the Philippines.

A workers' organisation, *Kagulong (Kapatiran sa Dalawang Gulong)*, has been advocating to advance the labour conditions of riders in the country. Interestingly, Kagulong did not start as a labour organisation. It was founded in 2008 as an organisation of riding enthusiasts and middle-class workers. As the percentage of their platform workers/members grew, now at 60% of 4,000 members across the country, Kagulong has become more involved in platform work-related labour issues.<sup>70</sup> In fact, Kagulong has been recognised as a platform workers' representative in negotiations and meetings with DOLE. Kagulong expressed concerns about the challenges of organising platform workers stemming from either workers' disinterest or fear of dismissal from platforms. An essential

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<sup>69</sup> Choudary, S. (2018). The architecture of digital labour platforms: Policy recommendations on platform design for worker well-being. International Labor Organization.

<sup>70</sup> Based on interviews with Kagulong founder, in Sept 2021 & April 2022.

intervention is to assist workers in social dialogue that can help encourage them to join existing collectives or form new ones in order to express issues collectively. For this to happen, ample legal mechanisms and protections that ensure workers will not be disadvantaged for associating or expressing their demands as collectives must be set in place.

In the ride-hailing sector, 4W driver-partners of Grab and 2W rider-partners of Angkas have each formed their respective riders' groups that function independently, as they elect their own leaders. However, they are yet to be formally recognised by the platforms as collective worker associations with ample bargaining capacity and meaningful mechanisms for collective representation.

Multiple stakeholders such as the media, civil society organisations, government, research communities, and customers are enjoined to continue supporting the promotion of fair labour in the platform economy. To do so, a greater awareness of the precarious conditions of workers in this economy must be facilitated. Through this report, Fairwork Philippines intends to contribute to this discussion. Customers and the broader Filipino public may not fully realise that their delivery person or driver is a worker that should be entitled to basic labour rights and privileges. Neither are they fully aware of the responsibilities of platforms towards the workers, and how platforms can improve these conditions. Overall, we hope to engage and influence as many actors as possible who can help promote and act towards Fairwork's vision for a fairer world of work.

### **The Fairwork Pledge**

In addition to proposals detailed above, and as part of the project's pathways of change, Fairwork has introduced a 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 use, or not, platform labour can make a difference by supporting good labour practices, guided by our five principles of fair work.

The pledge consists of two levels. One the first level, organisations can sign 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 decide which platforms to engage with. The

second level of the pledge is Fairwork Partners, which entails organisations committing to concrete and meaningful changes in their own practices. For example, Fairwork Partners can commit to using better-rated platforms where there is a choice. Organisations who sign the pledge as Partners get to display our badge on company materials.

To date, organisations in Bangladesh, Germany, India, Kenya, Turkey, the UK, and the US have signed up as Supporters and Partners. We look forward to those in the Philippines following these examples. More information about the pledge and how to sign up is available at [www.fair.work/pledge](http://www.fair.work/pledge)

## **Appendix: Fairwork Scoring System**

### **Which companies are covered by the Fairwork principles?**

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”<sup>71</sup>. That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”<sup>72</sup>. Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short-term accommodation) and eBay (which matches buyers and sellers of goods) - are excluded from the

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<sup>71</sup> ILO (2021). *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*. Geneva: International Labour Organization. p. 31. Available at: [https://www.ilo.org/global/research/global-reports/weso/2021/WCMS\\_771749/lang--en/index.htm](https://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm).

<sup>iii</sup> ILO 2021 report, p.107

<sup>72</sup> ILO 2021 report, p.107

definition. The ILO's definition of "digital labour platform" is widely accepted and includes many different business models<sup>73</sup>.

Fairwork's research covers digital labour platforms that fall within this definition that aim to connect individual service providers with consumers of the service through the platform interface. Fairwork's research does not cover platforms that mediate offers of employment between individuals and employers (whether on a long-term or on a temporary basis).

Fairwork distinguishes between two types of these platforms. The first is 'geographically-tethered' platforms where the work is required to be done in a particular location such as delivering food from a restaurant to an apartment, driving a person from one part of town to another or cleaning. These are often referred to as 'gig work platforms'. The second is 'cloudwork' platforms where the work can, in theory, be performed from any location via the internet.

The thresholds for meeting each principle are different for location-based and cloudwork platforms because location-based work platforms can be benchmarked against local market factors, risks/harms, and regulations that apply in that country. In contrast, cloudwork platforms cannot because (by their nature) the work be performed from anywhere and so different market factors, risks/harms, and regulations apply depending on where the work is performed.

The platforms covered by Fairwork's research have different business, revenue, and governance models, including employment-based, subcontractor, commission-based, franchise, piece-rate, shift-based, and subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

### **How does the scoring system work?**

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<sup>73</sup> De Stefano, V. (2016). *The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig-economy.'* Geneva: International Labour Organization. p. 1 Available at: [https://www.ilo.org/travail/info/publications/WCMS\\_443267/lang--en/index.htm](https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm).

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, policymakers, 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 the first to be awarded corresponding to the first threshold and an additional second point to be awarded corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

*Table 1: Fairwork Scoring System*

<b>Principle</b>	<b>First Point</b>		<b>Second Point</b>		<b>Total</b>
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
<b>Maximum possible Fairwork Score:</b>					<b>10</b>

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated yearly; the scores presented in this report were derived from data about the 12 months of fieldwork between June 2021 and May 2022 and are valid until June 2023.

## **Principle 1: Fair Pay**

### **1.1 – Ensures 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 vehicle.<sup>74</sup> Workers’ costs sometimes mean their take-home earnings may fall below the local minimum wage<sup>75</sup>. Workers also absorb the costs of an extra time commitment when they spend time waiting or travelling between jobs or other unpaid activities necessary for their work, which are also considered active hours<sup>76</sup>. To achieve this point, platforms must ensure that work-related costs do not push workers below local minimum wage.

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<sup>74</sup> 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.

<sup>75</sup> [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 percent of the ILO member states.

<sup>76</sup> In addition to direct working hours where workers complete tasks, they also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and traveling between jobs. These indirect working hours are also considered part of active hours as workers give this time to the platform. Thus, ‘active hours’ include both direct and indirect working hours.

The platform takes appropriate steps to ensure the following:

Workers earn at least the local minimum wage or the wage set by collective sectoral agreement (whichever is higher) where they work, in their active hours, after costs<sup>77</sup>.

### **1.2 – Ensures 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 work-related costs do not push workers below the local living wage.

The platform takes appropriate steps to ensure the following:

Workers earn at least a local living wage or the wage set by collective sectoral agreement (whichever is higher) where they work, in their active hours, after costs<sup>78 79</sup>.

## **Principle 2: Fair Conditions**

### **2.1 – Mitigates task-specific risks (one point)**

Platform workers may encounter several 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:

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<sup>77</sup> In order to evidence this, where the platform is responsible for paying workers, the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.

<sup>78</sup> Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's [Anker Methodology](#) to estimate one.

<sup>79</sup> In order to evidence this, where the platform is responsible for paying workers, the platform must either: (a) have a documented policy that ensures 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 evidencing all workers earn a minimum wage after costs.

- There are policies or practices in place that protect workers' health and safety from task-specific risks<sup>80</sup>.
- Platforms take adequate, responsible, and ethical data protection and management measures in a documented policy.

## **2.2 – Provides a safety net (one additional point)**

Platform workers are vulnerable to abruptly losing their income due to 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, most workers depend on the income they earn from platform work. Platforms can achieve this point by ensuring that workers are compensated for the loss of income due to their inability to work.

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to ensure that workers are compensated for income loss due to the 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**

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<sup>80</sup> Where the platform directly engages the worker, 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 health risk", 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 adverse effects on health."

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

The terms and conditions governing platform work are not always clear and accessible to workers<sup>81</sup>. To achieve this point, the platform must demonstrate that workers can understand, agree to, and access their work conditions at all times and that they have legal recourse if the other party 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 where the worker works.
- The contract is fully 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. The changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

### **3.2 – Ensures that no unfair contract terms are imposed (one additional point)**

In some cases, especially under ‘independent contractor’ classifications, workers carry a disproportionate amount of risk for engaging in a contract with the service user. They may be liable for any damage arising in their work, and unfair clauses may prevent them from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that the risks and liability of engaging in the work are shared between parties.

Regardless of how the contractual status of the worker is classified, the platform must satisfy BOTH of the following :

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<sup>81</sup> 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.

- Takes appropriate steps to ensure that the contract does not include clauses that exclude liability for negligence nor unreasonably exempt the service user and/or the platform from liability for working conditions.
- Takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances that arise from the working relationship.

## **Principle 4: Fair Management**

### **4.1 – Provides a due process for decisions affecting workers (one point)**

Platform workers can experience arbitrary deactivation, being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or 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 a 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 a contract and available on the platform interface<sup>82</sup>.
- 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.

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<sup>82</sup> 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 them for human mediation.

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

Most 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 that they have policies against discrimination and seek to remove barriers for disadvantaged groups, and promote inclusion.

Platforms must satisfy ALL of the following:

- There is a policy that 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 a pool of 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 or the type of work and pay scales available to workers seeking to use the platform, 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**

#### **5.1 – Assures freedom of association and the expression of worker's 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, and collectively express their wishes – and importantly – be listened to, is a

vital 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. Whether or not platforms set the terms on which service users retain workers, platforms must demonstrate that they have taken appropriate steps to ensure that workers are informed of their rights (and have mechanisms in place to help protect those rights) and that workers are directed to appropriate collective bodies or trade unions.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union that is clearly communicated to all workers<sup>83</sup>.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes, and demands to the platform<sup>84</sup>.

## **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 their work conditions. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.

The platform must satisfy at least ONE of the following:

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

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<sup>83</sup> For example, “[the platform] will support any effort by its workers to organise or form a trade union collectively. Collective bargaining through trade unions can often bring about more favourable working conditions.”

<sup>84</sup> See ILO (2021) World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work International Labour Office – Geneva

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