

# **A Global Manifesto for Fairer Platform Work**

We, the signatories around the world committed to protecting platform workers' rights and improving their working conditions, urge the International Labour Organisation to advocate the following demands.

We appeal to the ILO through this Manifesto to carefully consider the problems that platform workers are facing and work towards implementing relevant policy recommendations, as suggested in this Manifesto, for workers around the world.

We urge the ILO to adopt a Convention on platform work based on these evidence-based recommendations for modification of existing fair labor standards to cater for the specific and urgent needs of platform workers globally.

## **Fair Pay**

- Minimum wage legislation should be extended to all platform workers, including those paid on a piece-rate.
- The definition of working time used to calculate minimum wages should include both direct and indirect hours.
- Workers, irrespective of their employment classification, should earn at least the local minimum wage or the wage set by collective sectoral agreement (whichever is higher) after work-related costs.
- Workers, irrespective of their employment classification, should earn at least a living wage after work-related costs.
- Workers should be paid on time and for all work completed.

## **Fair Conditions**

- Health and safety legislation should be extended to all platform workers.
- Platforms should have policies to protect workers from risks arising from their work and should take proactive measures to protect and promote workers' health and safety.
- When work is performed on the premises of a third party, the platform and the user should be jointly liable.
- It is important to accord a broad and purposive interpretation to terms such as "in the course of employment", taking into account the realities of platform work.
- Platforms should be made responsible for paying social security contributions on behalf of all such workers and, where state benefits are not available, should be encouraged to provide benefits, such as medical and disability insurance, in line with local best practice.

- Platforms should implement measures to mitigate and reduce unpaid work and overwork.
- Platforms should take adequate measures for the protection and management of workers' personal data.

## **Fair Contracts**

- The right to information on terms and conditions should be extended to platform workers.
- The contract and/or terms and conditions should be communicated in a language that workers can be reasonably expected to understand.
- The contract and/or terms and conditions must be available at least in the countries' main languages where the platform operates, but also in other languages in case of significant participation of migrant workers.
- The contract and/or terms and conditions should be accessible to workers and the applicable law should be that of the country where the worker works.
- Regulations should prohibit clauses which unreasonably exempt the platform from liability for working conditions, negligence, or the like, and should also prohibit clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.
- Platforms should notify workers of proposed changes in a reasonable timeframe before they take effect and should be prohibited from reversing accrued benefits or reasonable expectations on which workers have relied.

## **Fair Management**

- Platform workers, regardless of their employment status, should be provided with due process in relation to discipline or termination. Workers should be able to appeal decisions affecting them and be informed of the reasons behind those decisions.
- Platforms should provide a channel for workers to communicate with a human representative, and to respond to workers within a reasonable timeframe.
- All platform workers, regardless of their employment status, should be afforded effective protection against discrimination.
- Platforms should promote equality of opportunity for workers from disadvantaged groups.

## **Fair Representation**

- Platforms should allow and set up mechanisms for the expression of collective worker voice, including recognising or bargaining with an independent collective body of workers or a trade union representing workers.
- Legislation should be revised to allow platform workers to collectively organise and bargain with a platform.
- Existing collective labor rights should be adequately aligned to the conditions of platform work.

## **Ensuring fairness in platform work**

Platform work is a source of livelihood for millions of workers around the world, with many more joining in the aftermath of the COVID-19 pandemic.

The new working arrangements supported by digital labour platforms constitute an alternative for workers, granting more autonomy and flexibility than more traditional forms of work. However, they can also facilitate precarious arrangements with low pay, poor working conditions, inaccessible and unreasonable conditions, unfair management, and a lack of representation.

This Manifesto argues that fair conditions for platform workers should be put in place to address this lack of rights and protection. It outlines the challenges posed by these new labor relations in crucial aspects, such as misclassification, low pay, health and safety risks, discrimination, non-transparent algorithmic management, and lack of representation and collective bargaining.

The recommendations in the Manifesto<sup>i</sup> are based on modifications of existing ILO fair standards, modified on the basis of rigorous evidence provided by the Fairwork project of 283 platforms assessed in more than 20 countries. For a draft ILO Convention on Platform work, see ‘International Regulation of Platform Labour: A Proposal for action’<sup>ii</sup>.

## **Challenges to millions of platform workers around the globe**

We, the signatories, demand that autonomy of platform workers should not happen at the cost of escalating precarity and insecurity of their livelihoods. On the contrary, the problems posed by digital labour platforms require policy and regulatory responses to guarantee that workers' fundamental rights are guaranteed, to avoid a race to the bottom in labour standards.

First, we strongly object to the misclassification of platform workers. Because platforms typically classify workers as self-employed or independent contractors, those workers are generally excluded from the scope of labor regulations, and often not entitled to many labour protections relating to working hours, pay, occupational safety and health,

voice and representation, and social protection. Studies have shown that platform workers receive low pay, aggravated in some cases by failure to pay workers for the tasks they have completed. Of 283 platforms assessed by the Fairwork project in more than 20 in 2019-2022, only a fifth were able to provide evidence that worker earnings are equivalent to at least the local living wage<sup>iii</sup>.

Next, we are deeply concerned with the safety of platform workers. Research has highlighted a wide range of work-related risks faced by platform workers<sup>iv</sup>, for instance, risks of accidents for riders and couriers<sup>v</sup> or even for online freelancers. According to Fairwork research, less than half of the 283 platforms assessed in 2019-2022 could demonstrate that they have adopted policies that protect workers' safety from task-specific risks<sup>vi</sup>. Workers are generally classified as self-employed or independent contractors, and thus, lack an employer who is responsible for health and safety issues. For the same reason, workers are generally solely responsible for the payment of social security contributions. The result is that only a small share of platform workers report that they contribute to social security, and they lack basic protection for unemployment, sickness, parental leave or old age.

Third, we are worried about the use of algorithmic management, with a lack of transparency about the criteria used for assigning tasks, operation patterns, and evaluation and reputation systems. Opaque automated management systems are fueled by surveillance techniques as well as excessive and abusive data collection tools, a situation worsened by poor data protection policies on many digital labor platforms.

Moreover, discrimination in algorithmic management is a relevant concern<sup>vii</sup>. For instance, an ILO Report<sup>viii</sup> shows that algorithms used in job matching may perpetuate gender biases, including unequal pay for equal work and segregation of women into lower paying tasks or sectors. The problem extends to other aspects of platform work. Gendered wage gaps have been documented across platforms, with women earning less than men for performing the same tasks<sup>ix</sup>. Other studies have highlighted how algorithms can indirectly discriminate against other groups, including racial and ethnic minorities<sup>x</sup>.

A particularly glaring feature of platform work is workers' lack of collective bargaining and other representational rights. Bargaining and representation are especially challenging for cloudwork (or web-based) platforms, where the workforce is relatively atomised and isolated. According to a CESP study prepared for the European Commission, in the region, virtually no platform stipulates the right to collective bargaining<sup>xi</sup>. According to Fairwork research, less than a fifth of the 283 platforms

evaluated could evidence measures assuring freedom of association and the expression of collective worker voice<sup>xii</sup>.

The hard realities of platform workers underline the urgency of developing international guidelines to address workers' challenges. In the next section, we highlight a list of policy recommendations to address the most pressing issues faced by platform workers around the world.

## **Policy recommendations**

As platform workers tend to be (mis)-classified by platforms as self-employed or independent contractors, they are generally excluded from the scope of minimum wage legislation. A first step is therefore to **extend minimum wage legislation to all platform workers, including those paid on a piece-rate.**

But this is not sufficient. Workers often spend a long time simply waiting for jobs. The number of working hours used to calculate earnings should include time workers spent waiting for jobs with their app switched on. At the same time, many platform workers, such as those in the domestic sector, have to travel long distances in-between jobs. Therefore, **the definition of working time used to calculate minimum wages should include both direct and indirect hours**, such as travelling to a task or waiting for a task.

Moreover, in many cases workers have to absorb most or all work-related costs, such as fuel, insurance, transport between jobs and vehicle maintenance. We would recommend that **workers, irrespective of their employment classification, should earn at least the local minimum wage or the wage set by collective sectoral agreement (whichever is higher) after work-related costs.**

In many jurisdictions, the national minimum wage is set at a level that does not afford workers a basic but decent standard of living. In those cases where the minimum wage is less than a living wage. **Workers, irrespective of their employment classification, should earn at least a living wage after work-related costs.**

Finally, workers often face the risk of a client not paying for the work performed, or see their payment unduly delayed. Therefore, **workers should be paid on time and for all work completed.** Where a client considers that work is not completed satisfactorily, there must be a clear and reasonable process for rejection decisions.

### *Fair Conditions*

Platform workers may be exposed to substantial risks during their work, including accidents and injuries, exposure to harmful materials, and crime and violence, for which they often have limited protections. They also often have to work long and unsocial

hours. A first step is therefore to **extend health and safety legislation to all platform workers**. At the same time, **platforms should have policies to protect workers from risks arising from their work and should take proactive measures to protect and promote workers' health and safety**.

**When work is performed on the premises of a third party**, such as in the case of domestic work, **the platform and the user should be jointly liable** for any unsafe condition the worker might be subjected to. Given that the obligation for compensation is generally limited to injuries or accidents that occur in the course of employment, **it is important to accord a broad and purposive interpretation to terms such as “in the course of employment”, taking into account the realities of platform work** and including all activities undertaken by a worker in performing services on behalf of a platform.

Many countries have social security systems in place to protect workers against income loss due to circumstances such as illness, unemployment, disability and parental leave. However, platform workers may not be entitled to such protections due to their self-employed or independent contractor status. Given that most workers are dependent on income from the platform for their livelihood, all dependent workers, regardless of their employment status, should be covered by such protections. Therefore, **platforms should be made responsible for paying social security contributions on behalf of all such workers and, where state benefits are not available, should be encouraged to provide benefits, such as medical and disability insurance, in line with local best practice**.

For cloudwork platforms, fair conditions must also include **measures to mitigate and reduce unpaid work and overwork**, promoting job availability without extending working hours to more than the threshold stated by the ILO.

Furthermore, **platforms should take adequate measures for the protection and management of workers' personal data**, laid out in a documented policy in line with the ILO code of practice on Protection of Workers' Personal Data<sup>xiii</sup> and national legislation.

### *Fair Contracts*

Many platform workers sign contracts without being able to read or understand them, meaning that terms and conditions are not always easily accessible to them. In some cases, workers are not fluent in the language used in the contract. This leaves workers with limited opportunities to understand their rights and seek legal recourse in case of their breach.

**The right to information on terms and conditions**, which many jurisdictions already provide to employees, **should be extended to platform workers, and terms and conditions should be communicated in a language that workers can be reasonably expected to understand**. Furthermore, **the contracts must be available at least in the countries' main languages where the platform operates, but also in other languages in case of significant participation of migrant workers**.

In some cases, the contract's applicable law is that of the country where the platform's headquarters are located rather than that of the country where the worker works. This makes it very difficult for workers to seek legal redress in the case of issues. **Contracts and/or terms and conditions should be accessible to workers and the applicable law should be that of the country where the worker works**.

Even those contracts that do not misclassify workers often contain clauses which limit the platforms' obligations towards workers, and contain terms and conditions which are onerous. In some cases, the contract requires workers to waive their rights to reasonable legal recourse against the platform. To avoid these abuses, **regulations should prohibit clauses which unreasonably exempt the platform from liability for working conditions, negligence or the like as well as prevent workers from effectively seeking redress for grievances which arise from the working relationship**.

Moreover, platforms are often able to unilaterally amend terms and conditions without giving any notice, and may require the worker to accept those changes before being able to sign into the app. **Platforms should notify workers of proposed changes in a reasonable timeframe before they can take effect and should be prohibited from reversing accrued benefits or reasonable expectations on which workers have relied**.

### *Fair Management*

One of the key features of platform work is that many management functions are automated through the use of algorithms. Algorithmic management means that workers can be subject to arbitrary de-activation (i.e. be banned from the platform) without explanation. Moreover, workers might face unfair penalties or disciplinary decisions which they find difficult or impossible to challenge. **Platform workers, regardless of their employment status, should be provided with due process in relation to discipline or termination. Workers should be able to appeal decisions affecting them and be informed of the reasons behind those decisions**.

Communication between the platform and workers is also mostly automated, meaning that workers must rely on automatic response to their queries and requests, with limited ability to engage with a representative of the platform. Therefore, **platforms should provide a channel for workers to communicate with a human representative, and to respond to workers within a reasonable timeframe.**

In addition, algorithms are not neutral. Biases may be built at different stages of the algorithm creation, resulting in indirect discrimination against particular groups because of their age, gender, ethnicity, caste or other attributes. **All platform workers, regardless of their employment status, should have effective protection against discrimination.** Moreover, **platforms should promote equality of opportunity for workers from disadvantaged groups,** including reasonable accommodation for pregnancy, disability, and religion or belief.

### *Fair Representation*

Freedom of association is a fundamental right for all workers and is enshrined in the constitution of the ILO and the Universal Declaration of Human Rights. Although platforms often have mechanisms in place to listen to workers' concerns and voices, they generally do so in a very individualised manner. At the same time, the structural conditions of platform work, without a defined workplace, with workers usually working alone and without knowing who their co-workers are, mean that it is very difficult for platform workers to express their voice collectively.

The right of workers to organise, to collectively express their wishes and be listened to is an essential prerequisite for fair working conditions. **Platforms should allow and set up mechanisms for the expression of collective worker voice, including recognising or bargaining with an independent collective body of workers or a trade union representing workers.**

Moreover, legislation in many countries excludes the self-employed from the right to collective bargaining and/or to collective representation, constraining the collective voice and bargaining power of many platform workers. This **legislation should be revised to allow platform workers to collectively organise and bargain with a platform.**

Finally, even in cases where platform workers are able to join trade unions or exercise equivalent collective rights, **it needs to be evaluated whether existing collective labor rights are adequately aligned to the conditions of platform work,** and how traditional trade union rights and ILO guidelines about collective bargaining such as the right to



access a workplace, can be revised to take into consideration the specific conditions of platform work.

## Conclusion

Platform work is currently providing a livelihood for millions of workers around the world, and it is likely to expand substantially in the incoming years. It offers livelihood opportunities to many people and it has the potential to offer flexibility and autonomy to many workers. However, it is also strongly associated with low pay, precarity, insecurity and lack of rights. We, the signatories strongly believe that it does not have to be this way.

We urge the ILO to carefully consider the several issues highlighted in this Manifesto towards the implementation of relevant policy recommendations worldwide, and to adopt a Convention on platform work to cater for the specific needs of platform workers with the aim of providing fairer platform work globally.

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<sup>i</sup> This manifesto is based on Fredman, S; Du Toit, D; Graham, M; Vadakkethil, A; Bhatia, G., Bertolini, A; 'International Regulation of Platform Labor: A Proposal for Action' Weizenbaum Journal fo the Digital Society Vol.1 Issue 1. (2021) DOI 10.34669/WI.WJDS/1.1.4

<sup>ii</sup> Ibid

<sup>iii</sup> <https://fair.work/en/fw/ratings/>

<sup>iv</sup> Behrendt, C., Nguyen, Q. A., & Rani, U. (2019). Social protection systems and the future of work: Ensuring social security for digital platform workers. *International Social Security Review*, 72(3), 17-41.

<sup>v</sup> de Greef, Kimon. 2019. *Immigrant food couriers risk death on South African roads Ground Up* <<https://www.groundup.org.za/article/migrant-food-couriers-risk-death-south-african-roads/>>.

<sup>vi</sup> <https://fair.work/en/fw/ratings/>

<sup>vii</sup> Silva, S., & Kenney, M. (2018). Algorithms, Platforms, and Ethnic Bias: An Integrative Essay. *Phylon* (1960-), 55(1 & 2), 9–37. <https://www.jstor.org/stable/26545017>

<sup>viii</sup> ILO, 'A quantum leap for gender equality: for a better future of work for all' (International Labor Office, Geneva, 2019) <[https://www.ilo.org/global/publications/books/WCMS\\_674831/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_674831/lang--en/index.htm)>.

<sup>ix</sup> Ambika Tandon and Aayush Rathi, 'A Gendered Future of Work: Perspectives from the Indian Labor Force' (2018) Centre for Internet and Society (Working Paper) < <https://cis-india.org/internet-governance/women-in-future-of-work.pdf>>.

<sup>x</sup> Schor, J. (2020) *After the Gig: How the Sharing Economy Got Hijacked and How to Win It Back*. Oakland, Univesity of California Press; van Doorn, N., & Vijay, D. (2021). Gig Work as Migrant Work: The Platformization of Migration Infrastructure. *Environment and Planning A: Economy and Space*, 0(0).

<sup>xi</sup> De Groen, W. P. Killhofer, Z. Westhoff, L. Postica, D. Shamsfakhr, F. (2021). Digital labour platforms in the EU Mapping and business models. A study prepared by CEPS for the European Commission, Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL). < <https://www.ceps.eu/wp-content/uploads/2021/06/KE-02-21-572-EN-N.pdf>>.

<sup>xii</sup> <https://fair.work/en/fw/ratings/>

<sup>xiii</sup> ILO (1997) Protection of Workers' Personal Data International Labor Office: Geneva.