

Fairwork

COLLECTIVE WORKER POWER

UK Ratings 2022



CONTENTS

03 Executive Summary

04 Key Findings

06 Editorial: Changing Work Standards in Digital Labour Platforms: The 2022 UK Report

08 The Fairwork Project: Towards Decent Labour Standards in the Platform Economy

10 The Fairwork Framework

14 Background: Digital Labour Platforms in the United Kingdom

16 The Legal Context: The Forward March of Labour Stunted

18 Fairwork UK 2022 Scores

22 Platform in Focus: Pedal Me

24 Platform in Focus: Getir

26 Workers' Stories

27 Theme in Focus: Collective Bargaining and Worker Action

30 Moving Forward: Platform Changes

34 Appendix: Fairwork Scoring System

39 Endnotes

42 Credits and Funding

Executive Summary

The second Fairwork report for the United Kingdom continues to analyse digital labour platforms in an evolving policy and labour market context. In the UK, such platforms have been at the centre of a debate over the increasingly precarious situation of workers.

Our Fairwork UK ratings, which cover 14 platforms across different sectors, show that while most platform workers continue to face unfair working conditions and lack social protections, a growing number of them are receiving benefits comparable to, or sometimes even better, than the statutory entitlements of the standard employment contract.

In the wake of the COVID-19 pandemic, a cost of living crisis



has accelerated inequality, which was already increasing from austerity measures in the aftermath of the Global Financial Crisis and the long durée of British neoliberalisation since the 1980s.

As most platform workers tend to be on the lowest end of the income scale, they have disproportionately experienced negative impacts on their livelihoods from both the pandemic and inflation¹. With inflation increasing the cost of essential food and household items, energy prices soaring, and new taxes on health services being added, many platform workers are pushed toward in-work poverty, if they are not facing it already².

And yet, we have also seen key improvements in terms of wages, benefits and stability compared to the Fairwork UK

2021 report³. These changes have largely been associated with grocery-delivery platforms that use a standard employment contract and pay a living wage.

However, platforms that use a self-employment model such as Deliveroo or Stuart are also increasingly offering more substantive benefits through private insurance or access to statutory minimums. Ongoing worker contestation through legislation and collective action has also secured key improvements for Uber drivers and has resulted in a landmark change to the business model of the platform and contracting liabilities of the workers.

Relatedly, this past year has also seen the longest running strike against a digital labour platform, with couriers unionised with the International Workers of Great Britain [IWGB] contesting the change in payment systems Stuart uses for contracted-out food-delivery workers who deliver on behalf of Just Eat.

This report assesses 14 of the UK's digital labour platforms against five principles of fairness—fair pay, fair conditions, fair contracts, fair management, and fair representation—giving each a fairness rating out of ten.

Once more, Pedal Me leads the table with nine points, with Getir in second place with eight out of ten points and Gorillas in third with seven. The most improved platform is Uber, moving up from two points in 2021 to four points in 2022. As per our methodology, we only give points to platforms when they have provided verifiable evidence that they satisfy the principle.

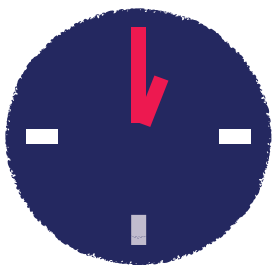
Key Findings



FAIR PAY

Three of the platforms—Getir, Gorillas and Pedal Me—could evidence that they could ensure workers’ gross pay is at or above the minimum wage, which is £9.50/hour in the UK at the time of writing in March 2022.

When assessing minimum wage thresholds, our scores considered not only the amount paid to the worker for hours worked, but also the cost of providing task-specific equipment and paying for work-related costs out of pocket. The scores also factored in waiting times between jobs. When extending this net calculation to consider the real living wage (currently assessed by the Living Wage Foundation as £9.90/hour for the UK and £11.50/hour for London), the same three platforms could also evidence that they met this principle of fair pay.



FAIR CONDITIONS

Out of 14 platforms, seven - Amazon Flex, Deliveroo, Getir, Gorillas, Pedal Me, Stuart, and Uber - were able to evidence that they take meaningful action to mitigate task-specific risks.

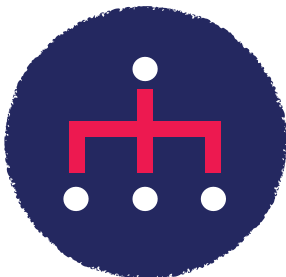
Specifically, platforms ensured safety equipment is provided, emergency response systems are in place, and private insurance is free of charge. In contrast to previous years, there are more opportunities to claim loss-of-earnings compensation for accidents or illness, at both statutory levels and through platform-specific private insurance. As the pandemic restrictions lift, certain platforms are making efforts to improve working conditions more actively. However only two platforms – Getir and Pedal Me - could evidence that they took steps to ensure a safety net that meets our criteria for the second threshold.



FAIR CONTRACTS

Platforms in the UK have a wide range of contractual arrangements and thus evidence of a basic level of fairness in their contracts is very varied.

Ten platforms – Amazon Flex, Deliveroo, Getir, Gorillas, Just Eat, Pedal Me, Taskrabbit, Uber, and Uber Eats, have clear and accessible terms and conditions so were awarded the first point for fair contracts. However, only three platforms – Getir, Gorillas and Pedal Me - were able to evidence that they do not impose unfair contract terms on their workers, and that they do not unreasonably exclude liability on the part of the platform.



FAIR MANAGEMENT

Five of the platforms – Amazon Flex, Deliveroo, Getir, Gorillas, Pedal Me, and Stuart, could evidence an effective system of due process for decisions affecting workers

This entails that there is a clear and documented process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions, providing workers greater recourse. The same five platforms could also evidence progress on equity in the management process. They have issued public statements in support of equality, diversity and inclusion, and implemented meaningful policies to combat discrimination, yet only four met our threshold for the second point.



FAIR REPRESENTATION

Collective organisation and representation is a fundamental right for workers and employees in most countries, yet 'self-employed' workers lack this right in the UK.

Two of the platforms – Pedal me and Uber - could evidence that they ensure freedom of association and the expression of collective worker voice. As shown in the report, various models of contracting labour are used by digital labour platforms; these can either hinder or enable workers to act on their right to collectively organise. One of the most significant developments over the past year is the voluntary recognition of the GMB union by Uber. This is the only platform that could evidence some support for democratic governance through recognising a collective body of workers.

EDITORIAL

Changing Work Standards in Digital Labour Platforms: The 2022 UK Report

Digital labour platforms have continued their rapid expansion throughout the UK. The estimated number of workers who rely on digital labour platforms for at least part of their income more than doubled between 2016 and 2021, from 5.8 percent to 14.7 per cent of the working-age population, or roughly 4.4 million workers in the UK⁴.

This expansion has occurred through platform capitalism's disruption of traditional business models such as private-hire car transport, its relative formalisation of previously informal cash-in-hand labour such as domestic work, and the expansion of commodified services into areas that had previously not existed, such as rapid grocery delivery. The 2022 UK Fairwork report aims to highlight a double movement that encompasses the evolution of both platform capitalism through heterogeneous models of labour management and the organised labour which contributes to shaping it.

In contrast to academic research on digital labour platforms that characterises their model of labour management as relatively homogeneous—using “low road” practices such as self-employment contracts, not providing any safety net or insurance and generally abdicating obligation or responsibility toward workers—we have found that some platforms have a significantly

different operational models and business strategies. For example, Pedal Me, Getir and Gorillas—all delivery platforms—use employment contracts with their riders as standard practice, providing all the associated statutory rights and benefits. While still using self-employment contracts, Stuart and Deliveroo have introduced sickness insurance schemes and other measures that approximate a social safety net, albeit with limited remit. Amazon Flex has introduced a policy that does not hold delivery drivers liable for lost, stolen, or damaged parcels; a major problem couriers have been experiencing in the sector. More significantly, Uber has reclassified their drivers as Limb (b) workers, which means that they receive a minimum hourly wage from the time a trip is accepted until it's completed, as well as holiday pay and a pension scheme as mandated by the UK Supreme Court in early 2021. Uber has also signed a collective bargaining agreement with GMB, one of the oldest and largest UK trades unions.

We might applaud some platforms for recognising the precarious situation of many of their workers and making strides toward improving working conditions. However, we also need to pay attention to and recognise the actions of organised labour at both the level of labour process and legislative process which led to the regulatory changes needed to achieve better working conditions for platform workers. Notably, the International Workers of Great Britain [IWGB] Union, App Drivers and Couriers Union [ADCU] and the GMB unions have helped build worker power through collective organisation and action. Legal challenges brought by these unions have changed the regulatory landscape putting pressure on both platforms and legislators to improve working conditions for platform workers.

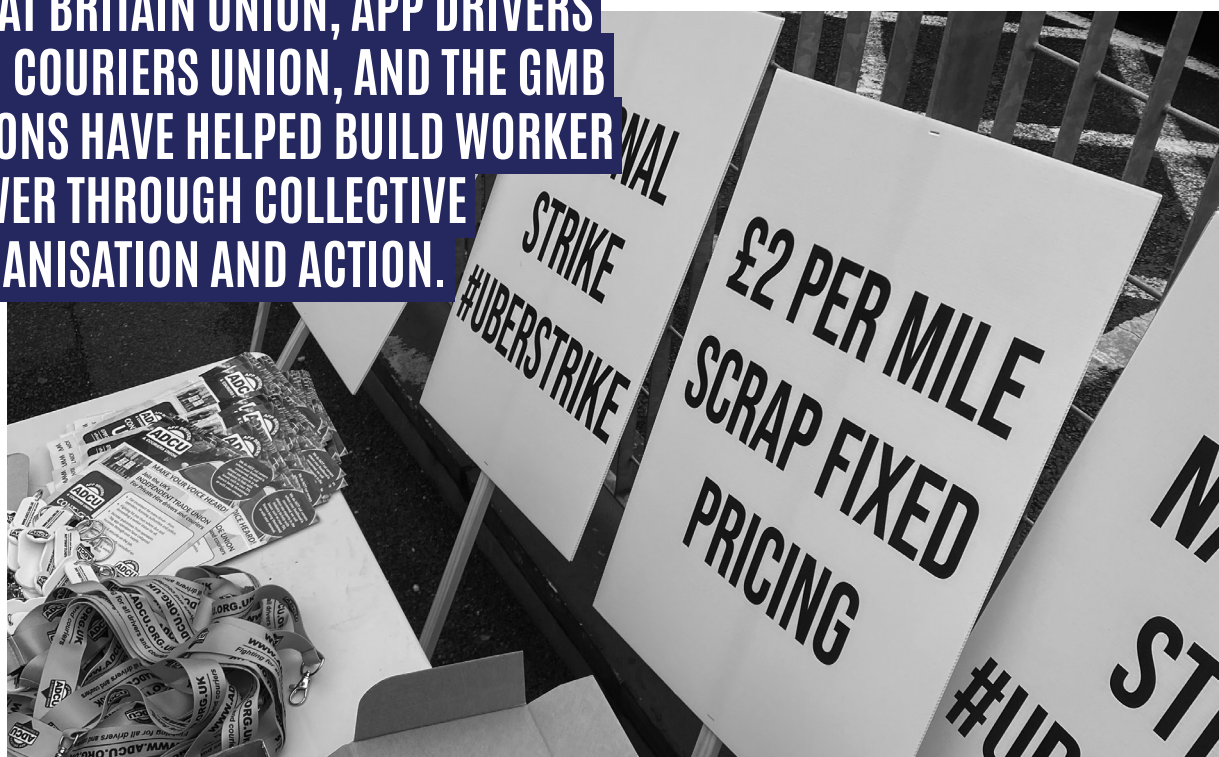
The 2022 Fairwork UK report—the second we have

produced in this country—highlights positive changes as well as the ongoing challenges platform workers face. As with all our reports, we evaluate working conditions according to five principles of fair work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. We have reviewed 14 platforms across different sectors, representing a wide range of business, revenue and governance models, in order to highlight the best and worst practices in the UK platform economy. The resulting Fairwork scores provide an independent analysis of working conditions on digital labour platforms that policymakers, platform companies, workers and consumers can use to inform themselves. As with previous reports, the 2022 scores suggest that significant reforms are needed from most digital labour platforms to provide fairer working conditions for their workers.

FAIRWORK UK TEAM

Matthew Cole, Alessio Bertolini, Funda Ustek-Spilda, Callum Cant, Daniel Arubayi, Mark Graham, Nancy Salem

THE INTERNATIONAL WORKERS OF GREAT BRITAIN UNION, APP DRIVERS AND COURIERS UNION, AND THE GMB UNIONS HAVE HELPED BUILD WORKER POWER THROUGH COLLECTIVE ORGANISATION AND ACTION.



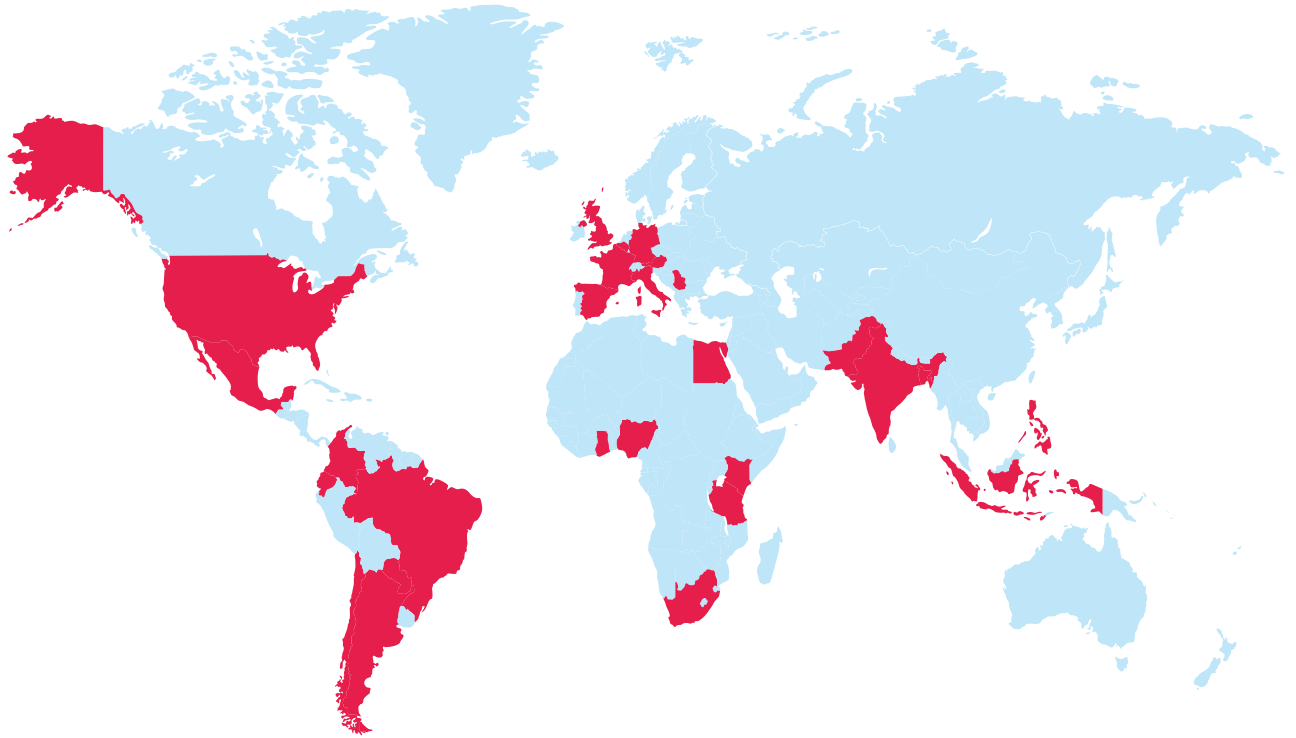
Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital 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 not only what the platform economy is today, but also 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 and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in 27 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

Fairwork countries



AFRICA

Egypt, Ghana, Kenya, Nigeria,
South Africa, Tanzania

SOUTH AMERICA

Argentina, Brazil, Chile, Colombia,
Ecuador, Paraguay

ASIA

Bangladesh, India, Indonesia,
Pakistan, Philippines

NORTH AMERICA

Mexico, USA

EUROPE

Austria, Belgium, France, Germany,
Italy, UK, Serbia, Spain

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 ensure to be considered as offering ‘fair work’. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the UK context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers in Oxford.

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.



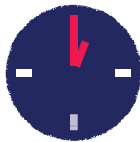
STEP 1

The five principles



Fair Pay

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



Fair Conditions

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



Fair Contracts

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



Fair Management

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



Fair Representation

Platforms should provide a documented process through which worker voices 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.



STEP 2

Methodology

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 certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all platforms have the ability to 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, and in the case of a cloudwork platform, with our Fairwork principles for cloudwork 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. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

Platform interviews

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

Worker interviews

The third method is interviewing platform workers directly. A sample of 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. For our 2022 ratings, this included, in addition to our tried and tested participant recruitment methods, Facebook and Twitter advertisements and snowballing from prior interviews. In all these strategies informed consent was established, with interviews conducted both in person and online.

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the platform for more than two months. All interviews were conducted in

English.

Putting it all together

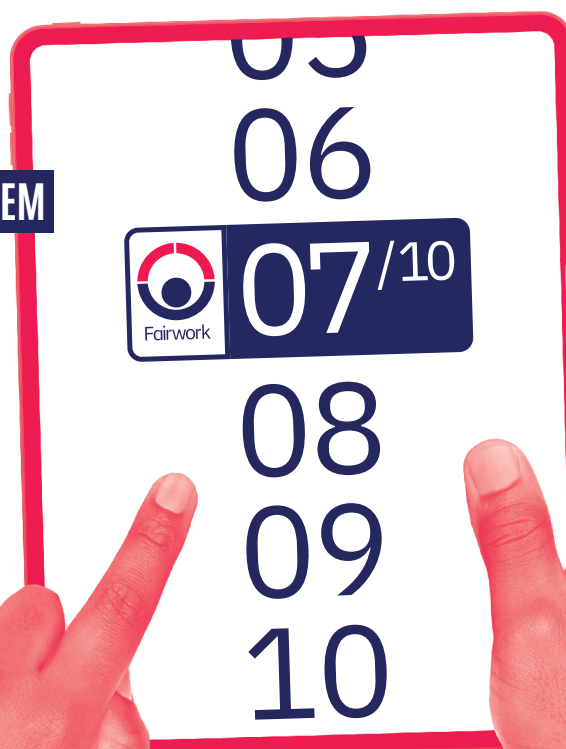
This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only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

How we score

Each of the five Fairwork principles is broken down into two points: a basic point and a more advanced 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 given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

**FURTHER DETAILS ON THE
FAIRWORK SCORING SYSTEM
ARE IN THE APPENDIX**



BACKGROUND

Digital Labour Platforms in the United Kingdom

The estimated number of workers who rely on digital labour platforms for at least part of their income more than doubled in the UK between 2016 and 2021, increasing from 5.8 percent to 14.7 percent of the working-age population, or roughly 4.4 million workers.⁵

Almost a quarter (22.6 percent) of workers have performed platform work at some point, up from 1 in 10 (11.5 percent) in 2016⁶. There was also an important shift in the gender balance among platform workers during this period. While in 2016, male workers made up less than half of frequent platform workers, their share increased to 57.4 percent in 2019 and 68.4 percent in 2021⁷. Nearly 7 in every 10 UK platform workers is now male. The proliferation of digital labour platforms has been largely vertically segregated by gender, with increases in ride-hailing, courier and food delivery sectors where work remains largely male dominated. Care work and beauty platforms, which tend to be more female dominated, are still emerging. The COVID-19 pandemic also had gendered effects on the labour market. While food and grocery delivery platforms continued and even expanded their operations during the pandemic, care work and beauty platforms had to halt their operations entirely due to lockdown restrictions. As Spencer and Huws note, unequal gendered division of labour in the home during the pandemic could also have played a role, since the primary responsibility for home schooling children, housework, elderly care and childcare in general fell on women, while men sought paid work opportunities⁸.

A change in the age composition of platform workers has

also been noted during the pandemic. The number of workers over 45 and under 24 decreased, while those in the 25-44 age group increased⁹. The drop in number for under 24s is possibly explained by fewer students being available to work on platforms during the pandemic.

Even as social distancing restrictions eased in the UK,

**THERE WAS AN IMPORTANT SHIFT
IN THE GENDER BALANCE
OF PLATFORM WORKERS...
NEARLY 7 IN 10 IS NOW MALE.**

remote working remained the norm for many sectors, and the preference for ordering services online persisted. The so-called “platformisation of everything” is now taking place at full speed. From ordering groceries to finding a pet sitter, from receiving help with administrative tasks to finding interior designers for your house – nearly anything can now be sourced from online platforms. This proliferation has also brought its own complexity, as platforms operate with different business models, revenue structures, rules of governance, work processes, performance monitoring



of workers have performed platform work at some point

and management, and worker recruitment and matching. In some cases, platforms have developed different business models for different arms of the business, and in others, subcontracting arrangements have become ever more pronounced, complicating work relations even further.

Attracting enough users (both clients and workers) to create network effects is a key element in the success of a platform. To attract potential users, platforms provide incentives to workers, clients or both. Network effects are successful when new users start joining the platform precisely because there are a lot of users already. In order to make the platform attractive to users, and also develop additional revenue streams, platforms monetise and remunerate a service or set of services; for instance, by charging different types of fees, commission rates, subscription plans, etc. to either workers or clients, or both. In the UK ride-hailing sector, for example, platforms charge significantly different commission rates: Uber charges 25 percent, Bolt a variable rate of 15-20 percent depending on the city; and Ola the lowest rate at 15 percent.

Many platforms can offer subsidies or other incentives because of significant venture capital investment and other financial backing¹⁰. The excess capital allows platforms to build network effects in their existing country contexts, while also expanding to new ones. The ILO report notes that Uber, for instance, has raised US\$25.2 billion from 28 funding rounds of venture capital investment (to January 2021), despite carrying an accumulated deficit of US\$16.4 billion in December 2019¹¹. Similar arguments could be made for other platform giants, the majority of which operate on a deficit basis, and yet continue trading and receive further funding as the investors are betting on a winner-takes-all outcome in an uncertain future. The fact that Uber charges the highest commission rates in the UK (and also has the largest driver and customer base) shows that once platforms are market leaders, they can then

reduce subsidies, increase the commission fees charged to drivers and or raise the price for customers¹².

All that aside, commission, subscription and other fees are just one aspect of the platform business model that affects workers. Some platforms also have subcontracting, franchise models and third-party agreements to provide subsidised equipment, vehicles and insurance to workers. Some also use these strategies to raise revenue. Previously, such operational models were not closely scrutinised by consumers or investors in relation to working conditions. The recent public listing of Deliveroo on the London stock exchange in March 2021, however, has shown that the tide is turning. Investors are now also considering business model and working conditions as important factors in the sustainability of the companies and returns on investments. Deliveroo has been called the worst initial public offering (IPO) listing in London¹³. At the end of the first day of trading, the company's value fell by £5.2 billion. The shares were also largely rejected by a string of large British institutional investors. A combination of concerns about the business, its governance and its employment practices led shareholders away from investing¹⁴.

Variation in different business models is not unique to digital labour platforms. As the recent surge in interest in ethical investing and consumerism demonstrate, a race to the

THE RECENT PUBLIC LISTING OF DELIVEROO ON THE LONDON STOCK EXCHANGE HAS SHOWN THAT THE TIDE IS TURNING.

bottom of wages and working conditions does not necessarily result in business competitiveness¹⁵. Our intention is to show that there are other ways of doing business—ways that treat workers fairly.

THE LEGAL CONTEXT

The Forward March of Labour Stunted

The current UK legal context is one of liberalisation and under-regulation. Historically, the UK has had a long tradition of sectoral collective guarantees, with social partners playing an important role in the employment regulations framework, thanks in part to their close connections to the Labour party.

However, since the 1980s, successive Conservative and “New” Labour governments have implemented a strong neoliberal agenda that deregulated the labour market, reduced social protections and curbed union power. While New Labour governments were not necessarily as antagonistic towards unions as the Conservatives, they nonetheless retained many Thatcherite policies (and even increased private finance initiatives) alongside introducing a few reforms such as the minimum wage.

The past decade has seen new actions from Conservative-led governments to further reduce union power and limit workers’ rights. These actions culminated in the Trade Union Act 2016, which greatly limits the ability of unions and workers’ associations to represent and organise workers. The UK has emerged as the archetypical liberal labour market in the European context, with limited rights and protections for workers, and the most pronounced decline in collective bargaining coverage among Western European countries¹⁶. It is in this context that platform work has proliferated in the country.

Since the Financial Crisis of 2008, the number of non-standard work contracts in the UK – comprised of temporary agency contracts, “zero-hour” contracts, and the solo self-employment contracts – has increased rapidly. Many have found work on platforms, which avoided traditional regulatory barriers on employment classification through the use of self-employment contracts. Such contracts exclude workers from a broad

range of rights, including minimum wage, health and safety protections, holiday and parental pay, right to collective representation, with only limited protections against discrimination and dismissal.

Recent years have seen the issue of employment (mis)classification become a central issue in the UK labour market. However, policy responses have been virtually non-existent. Theresa May’s Conservative government (2017–2019) declared its intention to introduce employment reforms, commissioning the Taylor review, published in 2017¹⁷. The review recommended reforms to clarify employment status, yet other issues facing platform workers, including algorithmic management, data protection, health and safety, and lack of representation were not addressed. The Good Work Plan, introduced by May’s government in 2018, fell short of even the mild reforms suggested by the Taylor review.

Boris Johnson (2019-present) government has so far demonstrated very limited interest in labour market reforms. During the pandemic, the Government was forced to guarantee a number of policy measures aimed at protecting workers who were unable to work or lost their jobs. Some of these policies also had a positive impact on some platform workers, though there were significant shortcomings in reach and scope¹⁸.

The Government’s plan to roll out an employment bill to address current issues has been continuously postponed

since 2019. Most recently, the Bill was scheduled to be published in late Spring 2022; yet at the time of writing this report, in May 2022, it has not been published¹⁹. The content of the proposed bill remains opaque, though the Government has claimed it will be rooted in Taylor's suggestions. As such, we do not expect major changes to the labour regulations framework, which leaves the issues faced by platform workers in the UK unresolved.

Given the Government's apparent reticence to reform the labour market in favour of greater social protections for workers, a number of unions have adopted a litigation strategy aimed at bolstering workers' rights through court rulings²⁰. The landmark ruling of the Supreme Court in February 2021 declared that Uber drivers were not self-employed²¹, but rather Limb (b) workers²², and thus, are entitled to a number of employment rights from which they were previously excluded, including the right to a minimum wage and to collective bargaining. The latter materialised in May 2021, through the first collective agreement in the platform economy in the UK between Uber and the union GMB²³.

The High Court declared Uber's contracting model – driver to rider, rather than driver and rider to Uber – unlawful in December 2021²⁴. This change makes Uber accountable in the same way as other private-hire taxi firms. The ruling constitutes a sea change for other ride-hailing platforms operating in the UK, which will have to amend their contracting model as well. Another important ruling

has come from a Dutch court (where the taxi platforms were legally based), that obliged Uber and Ola to make their algorithmic management more transparent, and at the same time established more rules concerning data protection²⁵.


Additionally, in a positive result for UK domestic workers, many of which work on care platforms, their exemption from the minimum wage regulation was revoked this year. Instead, the exemption was creating a loophole for exploiting domestic workers by paying them below the minimum wage, the majority of whom continue to be migrant women workers²⁶.

However, not all court decisions have gone in the direction of more rights and protections for workers. In June 2021, the Court of Appeal confirmed Deliveroo riders to be self-employed, and thus are not entitled to employment rights²⁷. The Court's decision highlights the problems surrounding the rights of platform workers in the UK who must rely on re-classification in order to be granted some very basic labour rights. Until clear regulatory reforms are implemented, most platform workers in the UK—even those who are genuinely self-employed—will continue to be denied access to rights and protections.



THE SUPREME COURT DECLARED THAT UBER DRIVERS ARE LIMB (B) WORKERS, AND ARE ENTITLED TO EMPLOYMENT RIGHTS FROM WHICH THEY WERE PREVIOUSLY EXCLUDED.

Callum Cant

The background of the entire page is a light blue color with a fine, white grid pattern. Overlaid on this grid are several grayscale images of human hands and forearms, each making a different gesture. In the top left, a hand points its index finger down. In the top center, a hand makes a 'rock' gesture with a closed fist and the index and thumb touching. In the top right, a hand makes a 'pistol' or 'gun' gesture with the index and thumb extended. On the middle left, a hand is held flat, palm facing up. On the middle right, a hand makes an 'OK' gesture with the thumb and index finger forming a circle. In the bottom left, a hand makes a 'shaka' or 'hang loose' gesture. In the bottom center, a hand points its index finger up. In the bottom right, a hand makes an 'OK' gesture. The central text is in a bold, red, sans-serif font.

Fairwork UK Scores 2022

Minimum standards
of fair work

Pedal Me	09 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
Getir	08 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
Gorillas	07 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Amazon Flex	04 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Deliveroo	04 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Uber	04 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Stuart	03 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Just Eat	01 /10	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Ola	01 /10	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Task Rabbit	01 /10	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Uber Eats	01 /10	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Bolt	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Helpling	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Yoopies	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Explaining the scores



Fair Pay

Platforms that ensure workers are paid at least the local minimum wage after work-related expenses are subtracted from workers' earnings can meet this threshold.

Only three – Pedal Me, Getir and Gorillas – out of 14 platforms could evidence that workers' gross pay was at least the minimum wage of £9.50. All three platforms use an employment contract that ensures a minimum wage after costs. Getir uses a contractual rate of £10.00 outside London, and £10.50 rising to £10.85 within London, which is above the minimum wage.

When assessing minimum wage, the scores considered the amount paid by the platform to the worker for hours worked and the cost of providing task-specific equipment and paying work-related costs out of pocket. Other costs included but were not limited to unpaid waiting times, travel costs, vehicles, petrol, mobile data, car wash, and any insurance costs.

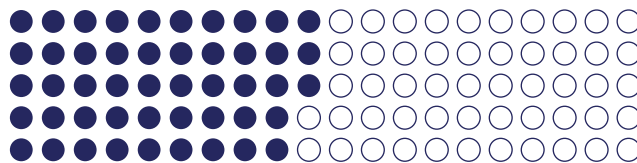
In terms of the living wage, Getir, Pedal Me and Gorillas were also awarded this point out of the 14 platforms because they ensure workers earn at least the local living wage in the UK, after costs (living wage after costs is calculated at £11.05 for London and £9.90 for rest of the UK). With the current inflation rate in the UK and the increase in living expenses, platforms need to commit to improving workers' earnings.



Fair Conditions

Platforms that show that they are aware of workers' risks and provide steps to mitigate them can meet this point.

This principle was met by eight out of 14 platforms, including: Amazon Flex, Deliveroo, Gorillas, Getir, Ola, Pedal Me, Stuart, and Uber. All of these platforms ensure that workers are provided with health and safety equipment, routine and emergency pieces of training, and insurance against work-specific risks, free of charge. However, only Pedal Me and Getir could evidence that they provide additional support to protect workers from income loss. Pedal Me provides a safety net for workers as they offer additional sick pay worth 7.6 hours, calculated at a daily rate.



53%

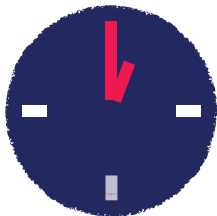
platforms we evaluated in the UK are aware of workers' risks and provide steps to mitigate them.



Fair Contracts

For platforms to meet this point, they must demonstrate that the contract or terms and conditions are clear and accessible to all workers.

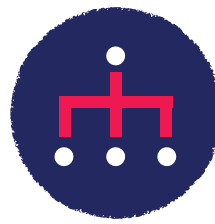
Amazon Flex, Deliveroo, Getir, Gorillas, Just Eat, Pedal Me, Taskrabbit, Uber, and Uber Eats – were awarded the first point for fair contracts. This means that they could evidence that the contracts or terms and conditions were accessible, subject to the law of the place in which the workers worked, and notified workers of proposed contractual changes within reasonable timeframes. For the second point, only Getir, Gorillas and Pedal Me ensured that no unfair contract terms were imposed on workers. While this is a positive step in the right direction, there must be more clarity and accessibility from all digital labour platforms for all workers in the UK.



Fair Representation

For platforms to get this point, platforms should assure freedom of association and the expression of collective worker voice.

Two platforms showed evidence of a mechanism that facilitates the expression of workers' collective voice. One of the platforms, Pedal Me (the only platform to gain the point last year), has worker representatives elected by riders and has a formal policy of recognising unions if one is established. The second platform, Uber, recognises collective representation with a formal agreement with the GMB union.



Fair Management

To meet this point, platforms must demonstrate that workers are not arbitrarily deactivated, and that there is an avenue for workers to meaningfully appeal disciplinary actions.

Communication is crucial when lone working. So are processes whereby workers can appeal decisions that resulted in penalties or disciplinary actions, even when a worker no longer works for the platform. Six platforms – Amazon Flex, Deliveroo, Getir, Gorillas, Pedal Me and Stuart – could evidence systems of due process and effective communication channels. For the additional point, the same six platforms that received the first point demonstrated clear anti-discrimination policies, which remove barriers to access for disadvantaged groups, and took further measures to help ensure greater equality and diversity working for the platform.

Unlike last year, when no platform met the second threshold, Uber has met this point this year by publicly recognising the GMB union to bargain and negotiate the terms and conditions of labour on the platform. However, other unions did not welcome this decision. The IWGB contested this agreement and ADCU noted that they would not do such a deal. In their views, it does not legitimately represent the interests of all workers. Uber will need to do more in recognising other worker collective voices that are critical in decisions affecting labour. Overall, it is evident that platforms in the UK could do more to recognise collective worker voice, which should be integral for a fair working environment.

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

PLATFORM IN FOCUS

Pedal Me

For the second year in a row, Pedal Me tops the UK league table, improving one point compared to last year's scoring, reaching a score of 9/10.



Principle 1: Fair Pay



Ensures workers earn at least the local minimum wage after costs



Ensures workers earn at least a local living wage after costs

2



Principle 2: Fair Conditions



Mitigates task-specific risks



Provides a safety net

2



Principle 3: Fair Contracts



Provides clear and transparent terms and conditions



Ensures that no unfair contract terms are imposed

2



Principle 4: Fair Management



Provides due process for decisions affecting workers



Provides equity in the management process

2



Principle 5: Fair Representation



Assures freedom of association and the expression of collective worker voice



Supports democratic governance

1

Total



9/10

IN THE PAST YEAR, PEDAL ME HAS BECOME MORE GENEROUS WITH THE BENEFITS IT OFFERS, HAVING INTRODUCED A SICK PAY POLICY ABOVE THE STATUTORY REQUIREMENT.

Pedal Me is a passenger and cargo service platform operating in London, which provides transport for people and bulky items across the city. As established last year, Pedal Me classifies its workers as employees, meaning workers are automatically entitled to all the employment rights of traditional employees, including to be paid at least the national minimum wage, health and safety protections, statutory sick and holiday pay as well as parental pay, and they are also entitled to collective representation.

Pedal Me also goes further than the minimum. It ensures all its workers to be paid at least the London Living Wage (currently set at £11.05/hour), and they have recently been accredited as a Living Wage Employer by the Living Wage Foundation. The company provides its workers with rigorous and encompassing health and safety training to improve the safety of journeys across the traffic-heavy and rainy city. It provides workers space to rest and offers efficient bicycle maintenance and repair services. Furthermore, Pedal Me has implemented an extremely thorough diversity and inclusivity policy, which

can be regarded as an example of best practice in the international context.

In the past year, Pedal Me has also become more generous with the benefits it offers, having introduced a sick pay policy above the statutory requirement. It has also further institutionalised the role of a workers' representative, who will be involved in the company's decision-making process. Pedal Me is committed to improving workers' collective voice through active engagement with unions. Thanks to collaboration with Fairwork, Pedal Me has agreed to establish a dialogue with the trade union Community. We hope this dialogue will bear fruit, and that next year we will be able to award Pedal Me a second point for principle 5.2, in recognition of the company's support of democratic governance, which would make it our first 10/10 platform.

PLATFORM IN FOCUS

Getir

Getir is a rapid grocery delivery platform which entered the UK market in 2021. It launched with just five dark stores (warehouses with no consumer-facing outlet) in London, and has now expanded to 15 cities and towns in the UK, with over 2500 employees in the UK²⁸.



Principle 1: Fair Pay



Ensures workers earn at least the local minimum wage after costs



Ensures workers earn at least a local living wage after costs

2



Principle 2: Fair Conditions



Mitigates task-specific risks



Provides a safety net

1



Principle 3: Fair Contracts



Provides clear and transparent terms and conditions



Ensures that no unfair contract terms are imposed

2



Principle 4: Fair Management



Provides due process for decisions affecting workers



Provides equity in the management process

2



Principle 5: Fair Representation



Assures freedom of association and the expression of collective worker voice



Supports democratic governance

1

Total



8/10

DURING STORM EUNICE, THEY DID NOT ASK THEIR RIDERS TO WORK DURING THE DANGEROUS WEATHER CONDITIONS—DESPITE THE POTENTIAL FINANCIAL IMPLICATIONS.

Getir was originally founded in Turkey by Nazim Salur (who is also the founder of a leading ride-hailing platform in Turkey, BiTaksi), Serkan Borancili (founder of the platform GittiGidiyor, which was acquired by eBay in 2011), and Tuncay Tutek (a former PepsiCo and P&G executive in Europe and the Middle East). The platform became Turkey's second unicorn, fetching a valuation of US\$2.6 billion, having secured a US\$300 million investment in March 2021²⁹. With this new investment, the platform aims to expand further in Europe (to Germany, France and Netherlands), and even to Brazil.

As we noted for Pedal Me, Getir has also been recently accredited as a Living Wage Employer by the Living Wage Foundation. In contrast to most platforms in the UK, Getir riders are given an employment contract, and provided with all the equipment they need, including e-bikes or e-scooters, fuel costs, company-branded protective gear for all seasons, PPE, as well as mobile phones, so workers don't need to use their own handset or data plans. Getir also provides separate rest rooms with free refreshments for workers, so they have a room to take breaks and can shelter from the weather when they are not outside delivering groceries.

Perhaps most significantly, Getir also takes meaningful steps to protect its workers from work-related risks. During Storm Eunice, for instance, they closed their online stores, and did not ask their riders to work during the dangerous weather conditions—despite the potential financial implications of this action. While Getir provides both sick leave and paid leave to its workers, to meet the threshold for 2.2., we ask platforms to provide sick pay commensurate with worker's average earnings in the last three months. Getir guarantees statutory sick pay, but also pays full wages at the company's "absolute discretion". Getir agreed that they would revisit this policy for the next

round of ratings, in 2023.

Workers sign an employment contract directly with the platform, and all particulars are clearly stated. As employees, riders are protected from unfair clauses and from lack of accountability on the platform's side, as the company undertakes all the necessary obligations that standard employers do.

As employees, workers do not risk arbitrary deactivation and the company has established due process for decisions affecting workers. Workers are in regular contact with depot managers, and they can communicate with them directly where needed for shift allocation, shift change and other matters. They know that if they experience a problem, they can be in immediate contact with someone from the platform. The company has also implemented a thorough equality and diversity policy and has made efforts to make its workers feel included. This includes encouraging more women to join the platform as riders and being open to listening to the particular sensitivities of different faith groups.

We welcome Getir's ambition to become the best employer in the grocery-delivery sector, and their current list of provisions to ensure decent working conditions for workers. That said, we would encourage Getir to facilitate or be open to engaging with collective worker voice.

Workers' Stories

Tom* has worked for Stuart doing food deliveries for two years. Previously he had been a labourer on building sites. He originally intended to use the flexibility offered by working for the platform to spend more time on launching a catering business, but has instead found himself working 65 to 80 hours a week.

Faced with rising costs and a changing pay structure, his hourly earnings at times have fallen as low as £5.35. The weekend before we spoke, he had to work 30 hours over two days in order to make enough money to pay his rent. He's come to accept these long hours as a fact of life, and hasn't taken a day off in almost three months. "If I don't work every day I won't make a living" he told us.

He's frustrated by his experience of platform work and identifies the earnings inequality between himself and senior managers at his platform as one of the major sources of this dissatisfaction. The positive aspects of his job are limited, but he enjoys being able to listen to podcasts and audiobooks while he drives. He can't see where he will go next, because even if someone offered him his dream job now, he would need to be paid the first month up front because he is only just able to afford his living costs from week to week.

Peter* has worked for Getir for four months. He joined to compensate for a loss of income during the COVID-19 pandemic, as he is self-employed and wasn't finding much work on other delivery platforms in the mornings.

Peter says the fact that he is guaranteed a set number of hours per week, and an hourly wage, is a big benefit of working for Getir compared to other digital labour platforms. Peter says this means he can be sure that his hard work does not go unpaid: if "the customer gives you the wrong address, you have to call the customer service, or there's some missing items...it doesn't matter because you have just clocked in...whatever happened in your shift you will get paid."

But there are other parts of his work for Getir that concern him. He is worried about riding during bad weather, noting that the (motor)bikes often have broken parts like mirrors and indicators. "I'm lucky if I can take a motorbike that is working. It's first come first served." Moreover, he says that if riders have a breakdown or an accident, they do not have a recovery service. Workers have to make their way back to the warehouse themselves. While these issues are things that could be addressed by the platform, Peter says that he doesn't think the mechanisms to provide feedback to management are strong enough and he would like to be able to collectively discuss issues with other workers independently of the platform.

This year Getir evidenced equity in the management process, assured freedom of association, or support for democratic governance. Ensuring these rights would ensure that workers like Peter feel heard about their issues.

***Names changed to protect worker identity**

THEME IN FOCUS

Collective Bargaining and Worker Action

This year's report covers a period in which the unfairness of the platform economy has provoked significant and remarkably sustained collective action by groups of workers. Several workers we interviewed during this research were either union members or said they would want to join a union.

Whilst collective action has been a prominent factor shaping the platform economy since its beginnings, the degree of formal organisation underlying the phenomenon shouldn't be overstated. Many participants in collective action are not trade union members, and many protest incidents remain isolated and spontaneous events rather than being integrated into long term campaigns. Trade union membership in the sector is ultimately still very limited. Unions therefore face a significant struggle to build power among digital labour platform workers.

Historical precedent indicates that large, disorganised and precarious workforces can be rapidly integrated into trade unions in certain circumstances. The 'New Unionism' of the late 19th century is one such example. Without that period of growth, the British trade union movement would not look the way it does today. Indeed, large unions such as Unite and GMB trace their origins to disputes in the docklands and gasworks sectors, respectively. It is therefore important to remember that sectors with low density, precarious employment and unfair conditions are the classical starting point from which large worker movements characterised by powerful collective action can emerge.

In the Twentieth Century, British trades unions were

powerful, with as many as 300,000 representatives across the country and roughly 10,000 of them on full-time release in the late 1970s and early 1980s³⁰. Since then, successive Conservative governments have outlawed the closed shop (which covered 5.2 million workers at its peak), banned secondary strikes (through which unions could spread their influence and carry out solidarity action), and introduced complex rules and time-consuming procedures around balloting for strike action³¹. The UK industrial relations framework has eroded into individualised human resource management approaches characterised by voluntarism and lack of coordination in collective bargaining, with the state playing a minimal role in negotiations between social partners. In 2016, further limitations on industrial action were introduced by the Trades Unions Act, which requires 50 percent of members entitled to vote to turn out for a vote to be valid, and a majority of those who voted, to vote in favour for industrial action to go ahead. There are many other restrictive conditions as well³².

Today, workers classified as Limb (b) and employees have statutory rights that include the right to a union and collective bargaining. A union can either be "voluntarily" recognised by an agreement with an employer, or a union

“WHEN YOU GET A £250 BILL FOR YOUR CAR, YOU’VE GOT TO PAY £250 WHETHER YOU’VE GOT IT OR NOT, BECAUSE OTHERWISE YOU’RE MAKING NOTHING.”



Callum Cant

can seek recognition via the statutory route, which requires an application to the Central Arbitration Committee³³. However, workers classified as self-employed are prohibited from claiming this right under Competition law, on the basis that a collective of self-employed contractors constitute a “cartel”. This is at odds with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ILO, 2021).

Despite visible collective action by unions, the UK has yet to see the widespread emergence among digital labour platforms of collective bargaining. Last year, the IWGB fought for union recognition of in the Court of Appeal’s judgment in *IWGB v Central Arbitration Committee*, but this did not result in a collective bargaining agreement reclassification, because the court ruled in this case that the workers involved were self-employed (and therefore ineligible to join a union). In contrast to this setback, in *Augustine v Stuart* the IWGB won in the Court of Appeal, which ruled that Stuart delivery unlawfully denied basic workers’ rights like holiday pay and the National Minimum Wage because the claimant was a Limb (b) worker³⁴. This ruling could have broader implications for digital labour platforms that classify workers as self-employed contractors. It is especially timely given that over 150 more Stuart couriers are already claimants in a similar

case brought against Stuart by the law firm Leigh Day in partnership with the IWGB³⁵.

On December 6, 2021, Stuart workers in Sheffield who were members of the IWGB Union began a strike against a change to their pay model. Stuart, which was subcontracted by JustEat in the city, moved its couriers onto a model called ‘linear pay’, which they claim creates a fairer relationship between distances travelled and the resulting pay. The union contended that it represented a wage cut, further pushing down wages that were already unsustainably low.

The workers’ action has gone on to become the longest single strike in the history of the platform economy in the UK. By March, 2022 the couriers had racked up over 80 days of strike action in their fight against the constant grinding stress of low wages, which can turn every day into a struggle. As one of our interviewees put it:

“When you get a £250 bill for your car, you’ve got to pay £250, whether you’ve got it or not, because otherwise next week, you’re making nothing. That kind of stress is enough. But between the expenses, just the fuel and insurance, and everything else, and then with how low the money’s dropped, making enough money a week to cover your household bills and your running costs, and then having any actual money left over... it’s not possible.”

This is not an entirely new development, but rather reflects

the intensification of an existing trend.

Since last year's ratings, the regulatory context has shifted for drivers, with tens of thousands of private-hire car drivers being reclassified from self-employed contractors to Limb (b) workers as a result of a series of successful legal challenges brought by the ADCU in High Court and Supreme Court. ADCU has also set up an NGO – the Worker Data Exchange – to advocate for worker data rights, resulting in a number of victories in the Amsterdam District Court. The court ruled that Uber & Ola must provide transparency regarding the use of driver surveillance systems such as Uber's "Real Time ID" and Ola's "Guardian" system. Uber was also ordered to reveal the data used as the basis of the unfair dismissal of two drivers. Finally, the court has compelled Ola to reveal driver performance related profiling including their driver "fraud probability score" and "earnings profile". Such systems are used in automated decision making that allocate work and are thus covered by GDPR³⁶.

The GMB also established a voluntary recognition deal with UBER, which has the potential to provide trade union representation for over 70,000 Uber drivers in the UK. This agreement allows GMB to contact Uber workers and represent their interests to the platform. While this agreement allows the GMB union to contact Uber workers and represent their interests to the platform, thousands of Uber workers are already currently represented by two other unions: the IWGB and the ACDU, which have neither recognition by Uber nor any organising access to the workplace. These unions remain committed to tackling issues such as the fact that Uber's new pay scheme ignores the UK Supreme Court ruling that drivers' working time should be calculated from login time, not simply from the time drivers accept a job until they finish it. The GMB deal also excludes 30,000 Uber Eats workers, who still have no access to formal union representation despite a long history of collective action to fight for better wages and conditions³⁷.

The Uber agreement with GMB has its flaws, but it could indicate a new direction of travel which could start to tip the balance towards fairness. The Leeds Index of Platform Labour Protest tracks protest amongst platform workers and has shown a steady upward trend from the start of 2015 to mid-2019³⁸. These protests have emerged over exactly the kind of fundamental issues of fairness dealt with by the Fairwork principles presented in this report.

The Leeds Index has identified the most common issue raised by platform worker protests as pay, followed by working conditions. In order to grasp the reality of the platform economy, it is vital we understand workers as active agents who can use a repertoire of collective action tactics to challenge unfair conditions. There is a lot to be done for fair representation in the platform economy, but it's important to note that unionised workers are a vibrant force for change in the sector.

This trend in collective action is not restricted to the UK, but is also visible internationally. In particular, Gorillas and Getir, have seen sustained protests in Germany and Turkey, respectively³⁹. These platforms employ different models in different national contexts, in order to account for variation in local regulation, labour market conditions and competition. This means that working conditions on even the same platform can vary significantly, depending on the specific country contexts in which they operate.

Several workers we interviewed during this research either were union members or said they would want to join a union if one existed. If collective bargaining continues to spread and unions dedicate the necessary resources to organise this new sector, then those prospective members may soon get their chance. Our principles provide a starting point for envisioning a fairer future of work and setting out a pathway to realising that. Principle five in particular, on the importance of fair representation, is a crucial way in which we aim to support workers to ensure that their right to organise is protected.

MOVING FORWARD

Platform Changes

Platforms have the ability to improve conditions for their workers, while continuing to provide income opportunities. In consultation with the Fairwork team, the following platforms agreed to implement changes to their policies or practices:



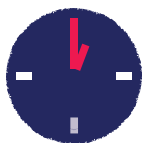
Fair Wages:

Pedal Me has implemented a policy to ensure that workers earn at least the London living wage after costs.



Fair Management:

Stuart have started a review of the existing deactivation appeals process to assess its overall visibility, accessibility, and ease of use with a view to making improvements to the process and how it is communicated to couriers. Pedal Me agreed to add an equality and diversity policy to their onboarding process for all new staff.



Fair Conditions:

While still using self-employment contracts, Stuart and Deliveroo have introduced sickness insurance schemes and other measures that approximate a social safety net. Deliveroo pays its riders £35 per day for up to 14 days of illness, backdated to the first day they were unable to work. They also offer new parents (including those adopting children) a lump sum payment of £1000 on the birth of a new child.



Fair Representation:

Pedal Me agreed to the election of a workers' representative who will liaise between the riders and the platform management. The representative will provide workers' input to company decisions and will provide the management with feedback on any issue or concern workers may experience.



Fair Contracts:

Amazon Flex introduced a policy that does not hold delivery drivers liable for lost, stolen, or damaged parcels; a major problem couriers have been experiencing in the sector.

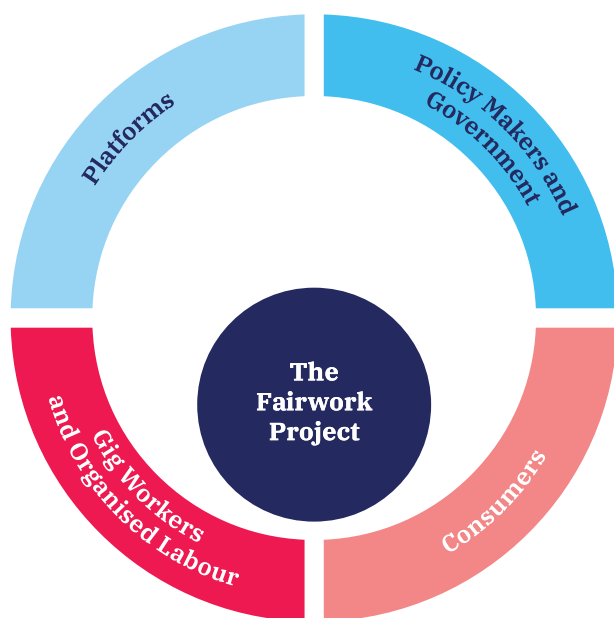
Pathways of Change

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If they have the economic means to choose, many consumers will be discerning about the platform services they use.

Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we leverage consumer solidarity with workers' allies in the fight for fairer working conditions. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

This is the second annual round of Fairwork ratings for the UK, and we are seeing increasing influence and impact. In this regard, we see four pathways to change.

Figure 1: Fairwork's Pathways to Change



Our first and most direct pathway to improving working conditions in digital labour platforms is by engaging directly with platforms operating in the UK. Many platforms are aware of our research, and eager to improve their performance relative to last year, and to other platforms. For example, Uber, Deliveroo, and Pedal Me all engaged with us by providing

detailed information about their policy changes and evidence of their positive effects for workers.

We also engage with policy makers and government to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Over the past year, Fairwork has met with Members of Parliament, the civil service and the Greater London Authority to advise on the regulation of digital labour platforms in the UK. We have produced a policy brief⁴⁰ and proposed an Early Day Motion in parliament, for which we are seeking cross-party support. It reads:

That this House notes the number of people working for digital labour platforms have drastically increased over the past five years; notes that digital labour platforms often promote themselves as innovators in the labour market whilst failing to meet basic labour standards and provide adequate social protections for their workers; and that new research by the Fairwork foundation has demonstrated a significant lack of fairness in the so-called 'gig economy'; supports the closing of loopholes in employment status by providing workers with universal rights in line with Lord John Hendry QC's Status of Workers Bill; supports the replacement of the existing tiered system with a universal system of rights and benefits consistent with such a bill; supports a provision to switch to a presumption of employment—so that where there is a dispute over employment status, it should be for the party contracting labour to prove the labour is self-employed, rather than for the labour to prove they are a worker; and calls on the gov't to work with trade unions to see that such new standards are established and enforced by the HM Revenue and Customs National Minimum Wage (HMRC NMW), the Gangmasters and Labour Abuse Authority (GLAA) and the Employment Agency Standards (EAS) Inspectorate.

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

worker organising in digital labour platforms to ensure our scores reflect the priorities of workers. Third, we ran an independent survey and billboard campaign reflecting public attitudes toward platform work. We found that only 22% of the public think that digital labour platforms pay workers a fair wage, and a majority believe that platforms prioritise profits over beneficial impacts to society.

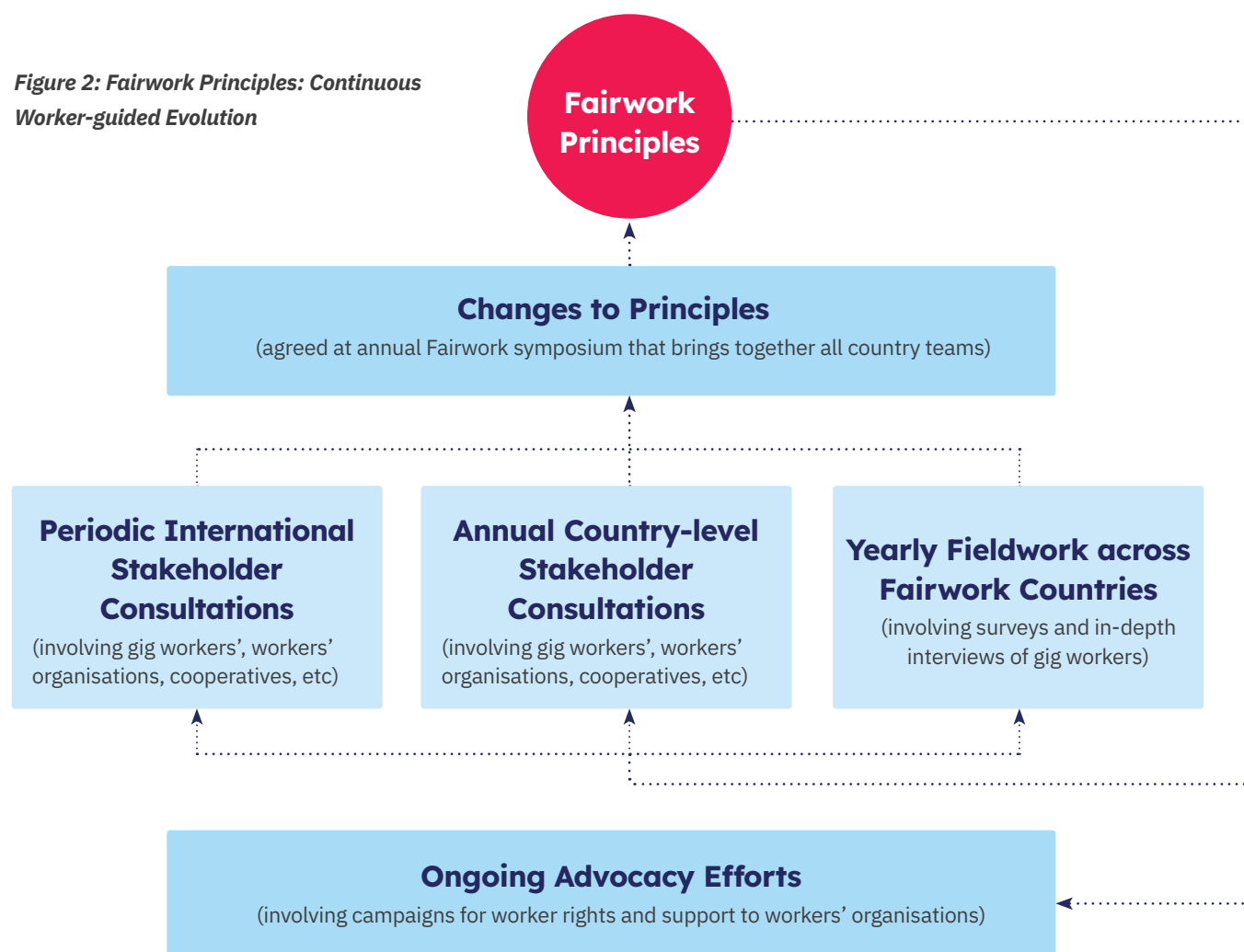
The findings also show that 64% support changes to employment law aimed at reducing the number of misclassified self-employed workers; 57% think platforms should be mandated to negotiate with representative unions; 60% support worker representatives on platform boards; and 66% think platforms should be required to disclose changes in labour management technology⁴¹.

There is nothing inevitable about poor working conditions in the platform economy. Notwithstanding their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs

through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed.

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

Figure 2: Fairwork Principles: Continuous Worker-guided Evolution



The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work.

Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting the best labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with.

A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice. Meatspace Press have become official Fairwork Partners in the UK. More information is available on the Pledge, and how to sign up, on the Fairwork website.

**WE ARE PROUD TO ANNOUNCE THAT
WE HAVE FIVE OFFICIAL FAIRWORK
SUPPORTERS IN THE UK:**

THE OXFORD INTERNET INSTITUTE

**THE UNIVERSITY OF OXFORD SCHOOL OF
GEOGRAPHY AND THE ENVIRONMENT**

THE CHURCH OF ENGLAND DIOCESE OF OXFORD

THE GOOD BUSINESS CHARTER

THE NEW ECONOMICS FOUNDATION.



APPENDIX

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”⁴². 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”⁴³.

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 obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models⁴⁴.

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, whereas cloudwork platforms cannot because (by their nature) the work can 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, subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

How does the scoring system work?

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.

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 12 months between November 2020 and November 2021, and are valid until November 2022.

Table 1: Fairwork Scoring System

	Principle 1: Fair Pay		Ensures workers earn at least the local minimum wage after costs		Ensures workers earn at least a local living wage after costs	2
	Principle 2: Fair Conditions		Mitigates task-specific risks		Provides a safety net	2
	Principle 3: Fair Contracts		Provides clear and transparent terms and conditions		Ensures that no unfair contract terms are imposed	2
	Principle 4: Fair Management		Provides due process for decisions affecting workers		Provides equity in the management process	2
	Principle 5: Fair Representation		Assures freedom of association and the expression of collective worker voice		Supports democratic governance	1

Maximum possible Fairwork score:



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 vehicle⁴⁵. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage⁴⁶. Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, which are also considered active hours⁴⁷. To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

The platform takes appropriate steps to ensure:

- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs⁴⁸.

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 local living wage.

The platform takes appropriate steps to ensure:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs^{49 50}.

Principle 2: Fair Conditions

2.1 Mitigates task-specific risks (one point)

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

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks⁵¹.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a

documented policy.

2.2 – Provides a safety net (one additional point)

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

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 workers⁵². To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the 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 in which the worker works.
- The contract is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.
- Every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued

benefits and reasonable expectations on which workers have relied.

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 the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

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

- Takes appropriate steps to ensure that the contract does not include clauses which exclude liability for negligence nor unreasonably exempt 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 which arise from the working relationship.

Principle 4: Fair Management

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

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and 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 interface⁵³.

- 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.

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

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

Platforms must satisfy ALL of the following:

- There is a policy which ensures the platform does not discriminate on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among 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.

- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or remuneration, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

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

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions.

However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice. Whether or not platforms set the terms on which workers are retained by service users, 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 workers⁵⁴.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform⁵⁵.

5.2 Supports democratic governance (one additional point)

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

The platform must satisfy at least ONE of the following:

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

ENDNOTES

1. Stevenson, G. (2020). 'Who should pay for the COVID crisis?' openDemocracy. <https://www.opendemocracy.net/en/economy/who-should-pay-covid-crisis/> (accessed 16 March 2022).
2. Collinson, A. (2022). 'This Cost of Living Crisis Was Years in the Making'. Tribune. <https://tribunemag.co.uk/2022/02/cost-of-living-crisis-energy-bills-rishi-sunak-universal-credit-wages/> (accessed 16 March 2022).
3. Fairwork (2021). Fairwork UK Ratings 2021: Labour Standards in the Gig Economy. Oxford, United Kingdom: Oxford Internet Institute. <https://fair.work/wp-content/uploads/sites/131/2021/06/Fairwork-UK-Report-2021.pdf>.
4. Spencer, N and Huws, U. 2021. Platformisation and the pandemic: changes in workers' experiences of platform work in England and Wales, 2016-2021. In *Seven Ways Workers are Fighting Back*. TUC. Available at: <https://www.tuc.org.uk/sites/default/files/2021-11/Platform%20essays%20with%20polling%20data.pdf>
5. Spencer, N and Huws, U. 2021. Platformisation and the pandemic: changes in workers' experiences of platform work in England and Wales, 2016-2021. In *Seven Ways Workers are Fighting Back*. TUC. Available at: <https://www.tuc.org.uk/sites/default/files/2021-11/Platform%20essays%20with%20polling%20data.pdf>
6. Ibid
7. Ibid
8. Ibid
9. Ibid.
10. van Doorn, N. and Badger, A. (2020). 'Platform Capitalism's Hidden Abode: Producing Data Assets in the Gig Economy'. *Antipode*. 52 (5): 1475–95. <https://onlinelibrary.wiley.com/doi/abs/10.1111/anti.12641>.
11. ILO. (2021). *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*. International Labour Office: Geneva.
12. Cusumano, M. A., Gawer, A., & Yoffie, D. B. (2019). *The business of platforms: Strategy in the age of digital competition, innovation, and power* (pp. 1-309). New York: Harper Business.
13. Powdrill, Tom and Janet Williamson (2021) Chapter 6: Investor activism Deliveroo listing – what does it mean for workers? - in "Seven ways platform workers are fighting back", TUC, <https://www.tuc.org.uk/sites/default/files/2021-11/Platform%20essays%20with%20polling%20data.pdf> Accessed 29 March 2022
14. Watchman, Paul and Martin Buttle (2021) "Deliveroo: The worst IPO in history, with a side order of ESG investor boycott" Responsible Investor. Published online 15 April 2021. Accessed 16 March 2022.
15. Getir (2022) "Getir accredited as a Living Wage Employer" Getir blog, 15 November 2021. <https://getir.uk/press-releases/getir-accredited-as-a-living-wage-employer/> Accessed 15 March 2022.
16. Kelly, J. 2018. Rethinking Industrial Relations revisited. *Economic and Industrial Democracy*, 39(4), 701–709.
17. Taylor, M., et al. (2017) *Good Work: The Taylor Review of Modern Working Practices*, Department of Business, Energy and Industrial Strategy, 40
18. KD Ewing and John Hendy, 'Covid-19 and the Failure of Labour Law: Part 1' (2020) 49(4) *Industrial Law Journal* 497-538, 510 and 519
19. Partington, R. and Topping A. (2021) Boris Johnson Accused of Backtracking on Workers' Rights Pledge, *The Guardian*, 11 May 2021.
20. Bertolini, A. and Dukes, R. (2021), Trade Unions and Platform Workers in the UK: Worker Representation in the Shadow of the Law, *Industrial Law Journal*, 50:4, 662-288
21. The full text of the Supreme Court ruling (*Uber v Aslam* [2021] UKSC 5) can be found at: <https://www.supremecourt.uk/press-summary/uksc-2019-0029.html>.
22. Limb-b workers are regarded as an intermediate employment category between self-employed and employees.
23. GMB (2021), Uber and GMB strike historic union deal for 70,000 UK drivers, GMB Website, 26 May 2021. Last accessed on 15 March 2022. Accessible at: <https://www.gmb.org.uk/news/uber-and-gmb-strike-historic-union-deal-70000-uk-drivers>
24. Lomas, N.(2021), UK High Court deals huge blow to Uber-style ride-hailing contracts, *TechCrunch*, 6 December 2021. Last Accessed on 15 March 2022. Accessible at: <https://techcrunch.com/2021/12/06/uk-high-court-uber-contracts-loss/>
25. Lomas, N. 2021. Dutch court rejects Uber drivers' 'robo-firing' charge but tells Ola to explain algo-deductions. *TechCrunch*. 12 March. Available at: <https://techcrunch.com/2021/03/12/dutch-court-rejects-uber-drivers-robo-firing-charge-but-tells-ola-to-explain-algo-deductions/>
26. Sanderson, B. (2021). Letter from Bryan Sanderson to the Rt Hon Kwasi Kwarteng MP. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028629/NMW-NLW_recommendations_for_2022.pdf.

27. Reuters (2021), UK Court of Appeal confirms Deliveroo riders are self employed, Reuters Website, 26 June 2021. Last accessed on 15 March 2022. Accessible at: <https://www.reuters.com/world/uk/uk-court-appeal-confirms-deliveroo-riders-are-self-employed-2021-06-24/>
28. Getir (2022) "Getir accredited as a Living Wage Employer" Getir Blog, 15 November 2011. <https://getir.uk/press-releases/getir-accredited-as-a-living-wage-employer/> Accessed 16 March 2022
29. Bicer, Aysu (2021) "Delivery start-up Getir becomes Turkey's 2nd unicorn" Anadolu Agency, <https://www.aa.com.tr/en/economy/delivery-start-up-getir-becomes-turkeys-2nd-unicorn/2189303>, Accessed 16 March 2022
30. Terry, M. (1995). 'Trade unions: shop stewards and the workplace'. In: P. Edwards (ed.). *Industrial relations: theory and practice in Britain*. Oxford: Blackwell, pp. 203–29.
31. Wills, J. (2005). 'The Geography of Union Organising in Low-Paid Service Industries in the UK: Lessons from the T&G's Campaign to Unionise the Dorchester Hotel, London'. *Antipode*. 37 (1): 139–59. doi: 10.1111/j.0066-4812.2005.00477.x
32. TUC (2017). *Trade Union Act 2016 - A TUC guide for union reps*. London: Trades Union Congress. <https://www.tuc.org.uk/research-analysis/reports/trade-union-act-2016-tuc-guide-union-reps> (accessed 3 March 2021).
33. The application must be submitted by a certified independent union using the correct forms; the employer must have at least 21 workers (when aggregated with group companies and associated employers); the employees of the employer must have at least 10% union membership with the relevant employee group; and there must not be another trade union that already represents the employee group in question, or another application for recognition for the same employee group already in process. See Central Arbitration Committee (2014). *Make, or respond to, an application for trade union recognition under Part I of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992*. October 2014. GOV.UK. <https://www.gov.uk/government/publications/trade-union-recognition-make-an-application> (accessed 15 March 2022).
34. IWGB (2021). Hammer blow for dodgy dealers in the gig economy with Stuart Delivery defeated in Court of Appeal as IWGB mounts group claim for workers' rights. 18 October 2021. <https://iwgb.org.uk/en/post/stuart-delivery-defeated-in-court-of-appeal> (accessed 11 March 2022).
35. IWGB (2021). More than one hundred couriers take on delivery company Stuart in workers' rights claim. 10 March 2021. <https://iwgb.org.uk/en/post/more-than-one-hundred-couriers-take-on-delivery-company-stuart-in-workers-rights-claim> (accessed 14 March 2022).
36. Worker Info Exchange (2021). Gig workers score historic digital rights victory against Uber & Ola. Worker Info Exchange. Available at: <https://www.workerinfoexchange.org/post/gig-workers-score-historic-digital-rights-victory-against-uber-ola-2> [Accessed June 7, 2022].
37. Cant, C. (2018) 'The Fast Food Strikes Put Britain's Exploited Service Workers On the Offensive'. *Vice* <https://www.vice.com/en/article/yw9eyw/the-fast-food-strikes-put-britains-exploited-service-workers-on-the-offensive>
38. Joyce, S, Neumann, D. Trappman, V. Umney, C. (2020) 'A global struggle: worker protest in the platform economy.' European Trade Union Institute. <https://www.etui.org/publications/policy-briefs/european-economic-employment-and-social-policy/a-global-struggle-worker-protest-in-the-platform-economy>
39. Meaker, M (2021) 'Europe Went Bananas for Gorillas. Then Its Workers Rose Up'. *Wired*. <https://www.wired.co.uk/article/gorillas-gig-economy-unions-germany> Wilks, A (2022) 'Turkey's food delivery couriers latest to strike amid economic crisis'. *Al-monitor*. <https://www.al-monitor.com/originals/2022/02/turkeys-food-delivery-couriers-latest-strike-amid-economic-crisis#ixzz7NiG42hBY>
40. Kelle, H., Callum, C., Alessio, B., Matthew, C. and Mark, G. (2021). *Protecting workers in the UK platform economy*. Oxford: Fairwork. <https://fair.work/wp-content/uploads/sites/131/2021/12/Fairwork-UK-Policy-Brief.pdf>.
41. Fairwork (2021). New poll shows huge public support for decisive action to make the gig economy fairer. 28 October 2021. Fairwork Blog. <https://fair.work/en/fw/blog/new-poll-shows-huge-public-support-for-decisive-action-to-make-the-gig-economy-fairer/> (accessed 11 March 2022).
42. 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.
43. ILO 2021 report, p.107
44. 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.
45. 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.
46. The ILO defines minimum wage as the “minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.” Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO’s Minimum Wage Fixing Convention, 1970 (C135) sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.
 47. In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs. These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, ‘active hours’ are defined as including both direct and indirect working hours.
 48. 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 data evidencing all workers earn a minimum wage after costs.
 49. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.
 50. 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.
 51. 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 risk to health”, and that “where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.”
 52. 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.
 53. Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.
 54. For example, “[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions.”
 55. 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

Credits and funding

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

Authors

Matthew Cole, Alessio Bertolini, Funda Ustek-Spilda, Callum Cant, Daniel Arubayi, Mark Graham, Nancy Salem

Fairwork Team

Daniel Abs, Pablo Aguera Reneses, Iftikhar Ahmad, Gina Alaschkar, Maria Belen Albornoz, Luis Pablo Alonzo, Moritz Altenried, Oğuz Alyanak, Branka Andjelkovic, Thomas Anning-Dorson, Marcos Aragão, María Arnal, Arturo Arriagada, Daniel Arubayi, Tat Chor Au-Yeung, Adam Badger, Marina Benedine, Ariane Berthoin Antal, Alessio Bertolini, Gautam Bhatia, Virgel Binghay, Richard Boateng, Manuela Bojadzijeve, Macarena Bomhomme, Ameline Bordas, Maren Borkert, Álvaro Briaes, Joseph Budu, Callum Cant, Rodrigo Carelli, Eduardo Carrillo, Chris King Chi Chan, Henry Chavez, Aradhana Cherupara Vadekkethil, Andrea Ciarini, Matthew Cole, Antonio Corasaniti, Pamela Custodio, Olayinka David-West, Nadia De Jesus, Luisa De Vita, Markieta Domecka, Marta D'Onofrio, Darcy du Toit, Veena Dubal, James Dunn-

Willimason, Trevilliana Eka Putri, Nagham El Houssamy, Haya El Zayat, Batoul ElMehdar, Elisa Errico, Fabian Ferrari, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Jackeline Gameleira, Pia Garavaglia, Beatriz Garcia, Chana Garcia, Sharon Geeling, Navneet Gidda, Shikoh Gitau, Slobodan Golusin, Saúl Gomez, Mark Graham, Markus Griesser, Rafael Grohmann, Martin Gruber-Risak, Julieta Haidar, Khadiga Hassan, Richard Heeks, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Benjamin Herr, Kelle Howson, Francisco Ibáñez, Shahidul Islam, Tanja Jakobi, Athar Jameel, Hannah Johnston, Zeynep Karlidag, Lucas Katera, Mishal Khan, Maja Kovac, Martin Krzywdzinski, Amelinda Pandu Kusumaningtyas, Arturo Lahera-Sánchez, Joy-Eveline Leeuw, Sebastian Lew, Jorge Leyton, Tatiana López Ayala, Raiyaan Mahbub, Amruta Mahuli, Melissa Malala, Oscar Javier Maldonado, Laura Clemencia Mantilla León, Claudia Marà, Paolo Marinaro, Ana Flavia Marques, Margreta Medina, Caterina Morbiato, Jamal Msami, Hilda Mwakatumbula, Baraka Mwaura, Mounika Neerukonda, Ana Negro, Sidra Nizambuddin, Thando Nkohla-Ramunenyiwa, Claudia Nociolini Rebecchi, Kemi Ogunyemi, Caroline A Omware, Balaji Parthasarathy, Francesca Pasqualone, Obed Penu, Leonhard Plank, Valeria Pulignano, Jack Linchuan Qiu, Ananya Raihan, Antonio Ramírez, Juan-Carlos Revilla, Alberto Riesco-Sanz, Nabiyla Risfa Izzati, Nagla Rizk, Cheryll Ruth Soriano, Julice Salvagni, Derly Yohanna Sánchez Vargas, Maricarmen Sequera, Murali Shanmugavelan, Ruth Tarullyna Simanjuntak, André Sobczak, Shanza Sohail, Janaki Srinivasan, Zuly Bibiana Suárez Morales, David Sutcliffe, Pradyumna Taduri, Kristin Thompson, Kiko Tovar, Pitso Tsibolane, Wing Yin Anna Tsui, Funda Ustek-Spilda, Jonas Valente, Jean-Paul Van Belle, Giulia Varaschin, Eduardo Vargas, Paola Vidriana, Laura Vogel, Jing Wang, Robbie Warin and Nadine Weheba.

External scoring reviewers

Oguz Alanyak, Ariane Berthoin Antal

Editors

Navneet Gidda, Pablo Aguera-Reneses, Daniel Sutcliffe

Please cite as

Fairwork (2022) *Fairwork UK Ratings 2022: Labour Standards in the Gig Economy*. Oxford, United Kingdom.

Please note that this report contains sections in common with other Fairwork reports, notably the Fairwork Framework, parts of the Impact and Next Steps section and the Appendix.

Designers

One Ltd.

Funders

The Fairwork Project has received funding from the European Research Council (ERC), The Economic and Social Research Council through the Global Challenges Research Fund (GCRF, grant number ES/S00081X/1), the Federal Ministry for Economic Cooperation and Development (BMZ), commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Ford Foundation, and the International Development Research Centre's Future of Work in the Global South initiative (FoWIGS).

Special thanks to

Katia Padvalkava, Duncan Passey, Maisy Gills, Sara Spinks, Lucy Hennings, Isabelle Malcolm, John Gilbert, Ornella Sciuto, Caroline Hampshire, Tabitha Baker, and David Sutcliffe at the University of Oxford for their extensive administrative support for the project since its inception. The project team is deeply grateful to Shakhlo Kakharova and Lukas Sonnenberg, and Kirsten Schuettler at GIZ for their continuing support and guidance as we take our work to the next stage. We would like to thank the University of Oxford's Business Engagement and Partnerships Development Fund for supporting some of our workshops and outreach activities. Finally, we would like to acknowledge a large number of workers and platform managers in the United Kingdom for taking the time to help us build our platform ratings. Their roles are

understated by a simple acknowledgement. All of the work in this project was shared not just amongst our research team, but also amongst the stakeholders who our ratings ultimately affect.

Conflict of interest statement

None of the researchers have any connection with any of the platforms and the work undertaken received no funding or support in kind from any platform or any other company, and we declare that there is no conflict of interest.

A COLLABORATION BETWEEN



WZB

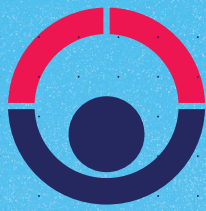
Wissenschaftszentrum Berlin
für Sozialforschung



FUNDED BY



European Research Council
Established by the European Commission



Fairwork

Find out more:

 fair.work

 info@fair.work

 [@TowardsFairWork](https://www.facebook.com/TowardsFairWork)

 [@TowardsFairWork](https://twitter.com/TowardsFairWork)