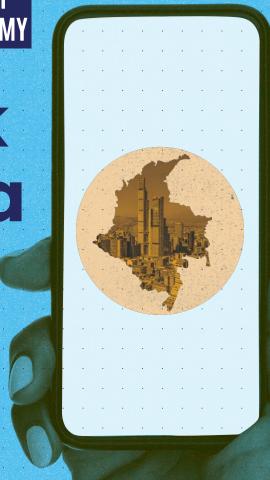


RISING COST OF LIVING AND DECENT INCOMES IN THE PLATFORM ECONOMY

Fairwork Colombia Ratings 2022



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Executive Summary

This second Fairwork Colombia report presents a comprehensive analysis of working conditions in digital labour platforms in a changing political and economic context. In Colombia, digital labour platforms were central to the key debates that shaped the political election in 2022 when, for the first time in the history of the country, a centre-left government was elected. Since the elections, debates around workers' rights have taken centre stage, alongside issues of economic competitiveness and economic growth. The economic context itself has been changing and challenging. First, the platform economy landscape has been evolving, as some platforms (Beat, Ifood) decided to cease operations in the country. Second, the post-Covid-19 pandemic period has come with some challenges for the Colombian economy: 2022 registered a high inflation rate of 13%, and the COP (Colombian Peso) devaluation has considerably increased the cost of living of workers.

This report, which marks the second cycle of Fairwork research on digital labour platforms in Colombia, assesses 11 platforms in three sectors: domestic, ride-hailing and delivery services. It highlights two significant findings. First, it finds a noticeable disparity in terms of fair working conditions for workers in different sectors, with important differences in scores seen in platforms with better regulatory backgrounds such as domestic work, and platforms with looser regulation such as ride-hailing and delivery platforms. Second, it details how the increase of cost of living has impacted workers. In particular, delivery workers are facing an impact in terms of loss of income as their earnings did not increase during 2022, whilst the cost of food and fuel grew. The cost of living crisis has had a smaller impact on ride-hailing drivers, as they earn an income above the minimum wage, and, in some cases, above the living wage. However, drivers face long working hours and a hostile working environment, with heavy traffic, risk of assault and police harassment. At the same time, the price of gasoline has become a key matter of concern for drivers. Last October, the price of the gallon increased 15% in Bogota, and further rises are expected. Both taxi and ride-hailing workers have taken part in public demonstrations to demand government support.

Finally, in the case of domestic work, despite the regulatory protections and the efforts of the platforms for providing bonuses and support, workers are facing difficulties in sustaining their families following price increases in food and essential services. Additionally, most domestic workers are women heads of their own households. Therefore, they have additional responsibilities of care in their own homes.

Key Findings



FAIR PAY

Four platforms—AseoYa, Hogarú, AUX and Cabify—could evidence that workers' gross pay is at or above the minimum wage, which in 2022 was \$4167 COP/hour. When assessing minimum pay, the scores also took into account the cost of providing task-specific equipment and paying work-related costs out of pocket. The scores factored in waiting and log-in times between tasks. Adding in these additional costs (i.e. unpaid waiting time, travel costs, vehicles, petrol, mobile phone data and insurance) meant that the first point in this principle could not unequivocally be awarded to the other four platforms. When extending this net calculation to consider living wage (currently assessed as \$12217 COP/hour for 2022), only Cabify could evidence that it pays its workers the equivalent of the living wage after costs.



FAIR CONDITIONS

Four platforms—AseoYa, HogarU, Aux, Cabify—were able to evidence that they take action to protect workers from risks that arise on their jobs. Specifically, platforms ensure that safety equipment is provided, emergency response systems are in place, and private insurance is free of charge. All domestic care platforms could show that they provide social security, sick leave and maternity leave according to Colombian law. The other platforms identify their workers as independent contractors or collaborators, and therefore assume that it is not the responsibility of the company to provide a safety net.



FAIR CONTRACTS

Four platforms have clear and accessible terms and conditions. An important criterion for awarding points for fair contracts is that the platforms recognise Colombian law as the applicable law for addressing worker-related issues. As a result, some platforms applying the law of other countries were not able to gain this point. Additionally, platforms must take adequate, responsible and ethical data protection and management measures, laid out in a documented policy. One platform, AseoYa, has committed to providing permanent contracts to its workers.



FAIR MANAGEMENT

Fourplatforms—AseoYa, HogarU, Aux and Cabify—could evidence an effective system of due process for decisions affecting workers, which includes 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 four platforms have issued public statements in support of equality, diversity, and inclusion, but none has developed a well-documented process yet, an institutional inclusion and equity policy. These platforms have declared their interest in developing an inclusion policy for the next round of scoring.



FAIR REPRESENTATION

Collective organisation and representation is a fundamental right for workers and employees in most countries, but self-employed workers lack this right in Colombia. Only domestic work platforms—AseoYa, HogarU and Aux—scored the 5.1 principle. This is mainly due to the platforms' efforts to recognise workers' collective representation, regulated through established organisations like COPASST (Comité Paritario de Seguridad y Salud en el Trabajo), as well as their right to choose their own representatives.

EDITORIAL

Rising Cost of Living and Decent Incomes in the Platform Economy

This report was written in a year of dramatic change in Colombia, with a change in the political landscape fuelling the hopes of social change for workers. In 2022, presidential elections were held, establishing a new government. For the first time in Colombian history, a left-wing candidate, Gustavo Petro, reached the Presidency. His election has been seen as a unique opportunity to close gaps and historical debts with historically marginalised groups in the country. Last month, the Government presented a bill in the Congress to reform labour regulations, introducing new mechanisms for the protection of workers' rights and unions. The bill also introduces a new framework for delivery platforms in which digital platforms must recognise full workers' rights to their riders.

These measures have generated a mixed reaction. While unions and workers organisations have seen the measures as a key step towards decent work, digital platforms and many workers have argued that they may seriously damage the business model and financial sustainability of the platform economy in the country. This report contributes

to these discussions by exploring the working conditions of platform workers in Colombia in 2022. In particular, we highlight a noticeable disparity between sectors in terms of fair working conditions, while showing that the increased cost of living has seriously impacted all platform workers.

THE GOVERNMENT PRESENTED A BILL IN THE CONGRESS TO REFORM LABOUR REGULATIONS, INTRODUCING NEW MECHANISMS FOR THE PROTECTION OF WORKERS' RIGHTS AND UNIONS.

The mechanisms proposed by the new government constitute a first step for providing a decent labour market that works for all. For most Colombian workers, their income does not cover their basic subsistence.

Although digital platforms have provided an opportunity for thousands of workers, many platforms have developed predatory business models that feed on the precarity of their workers. Nonetheless, this report shows many advances and good practices from platforms, evidencing that better working conditions *are* possible.

FAIRWORK COLOMBIA TEAM

Oscar Javier Maldonado, Derly Sánchez Vargas, Laura Mantilla-León, Victor Manuel Hernandez Isabella Jaimes, Sergio Daniel Sanchez, Alessio Bertolini and Mark Graham



THE FAIRWORK PROJECT

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 Center. Our growing network of researchers currently rates platforms in 38 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

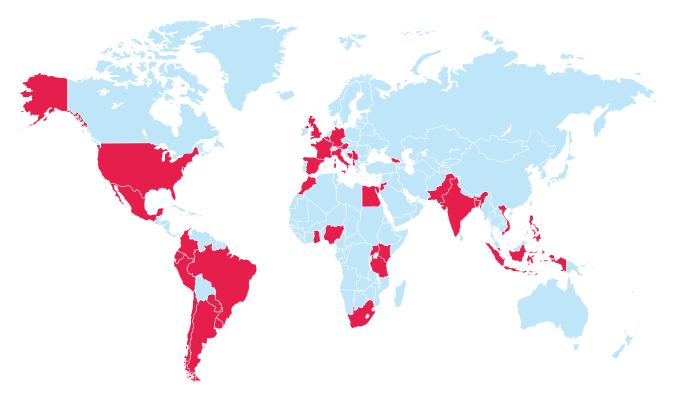


Figure 1. Map of Fairwork countries.

AFRICA

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

ASIA

Bangladesh, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Vietnam

EUROPE

Albania, Austria, Belgium, Bosnia and Herzegovina, France, Georgia, Germany, Italy, UK, Serbia, Spain

SOUTH AMERICA

Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay

NORTH AMERICA

Mexico, USA

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 Colombian context, we searched for participants through social networks that are popular among workers in Colombia. Social networks help workers organise into groups and find support for their activities, and act as discussion forums around particular experiences. We also consulted with labour lawyers concerning platform contracts and T&C, to confirm that they conform to current Colombian labour regulations.

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 service user and/or the platform.



Fair Management

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



Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.



STEP 2

Methodology Overview

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

We recognise that not all platforms use a business model that allows them to impose 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 Facebook advertisements in workers' groups 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 Spanish.

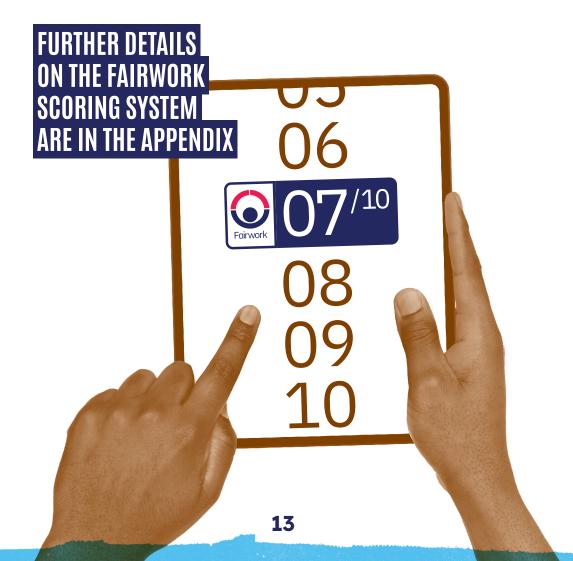
Putting it all together

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 first point and a more 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.



BACKGROUND

Digital Labour Platforms in Colombia

The Colombian platform economy is embedded in the complexities of a middle-income country. It is dependent on exports, and highly concentrated in non-renewable commodities such as oil, which makes it vulnerable to external shocks.

The country also has one of the highest degrees of income inequality and labour market informality in Latin America.¹

Colombian history has been marked by weak institutions, evidenced in persistently high unemployment, informality, and lack of job opportunities. A considerable share of the population works in the informal sector, and lacks basic social protection and employment rights. Colombia's informality rate is high, at over 60% of total employment.² Moreover, unemployment remains high. According to the National Administrative Department of Statistics (DANE from here on), in January 2023 the unemployment rate reached 13.7%.³

In the last five years, Colombia has received a high number of Venezuelan migrants, approximately 1.7 million, who have also struggled to make a living in the country. The Covid-19 pandemic worsened Colombia's unequal social structure and roughened working conditions, placing the platform economy as an alternative for the unemployed, migrants, and people with low education levels. However, after an initial boom for digital platforms, the sector has experienced a decrease in demand and a tougher financial environment, with investors less willing to fund platform expansion.⁴

Although it is difficult to calculate the exact number of platform workers in Colombia, according to a study of the Center of Economic and Social Research, Fedesarrollo, there are approximately 200,000 people working in food delivery and ride-hailing platforms. The study also finds that platform work represents 0.2% of Colombia's Gross Domestic Product (GDP).

THERE ARE APPROXIMATELY 200,000 PEOPLE WORKING IN FOOD DELIVERY AND RIDE-HAILING PLATFORMS.

In Colombia, the platform economy encompases a wide variety of businesses, platforms, and ventures: from delivery platforms such as Rappi, through transport platforms (Uber, DiDi, Cabify, Indrive), to domestic work (Hogarú, Aux, AseoYa). In practice, the most dynamic and visible sectors of the Colombian platform economy are delivery and ride-hailing. In particular, food delivery has become a very dynamic market, attracting important international funding. Colombia is home to the headquarters of Rappi, one of the biggest unicorns in Latin America.

Regarding platform working conditions, Fedesarrollo estimates that delivery workers have an average monthly income of \$867000 COP for 35 hours worked a week, while platform drivers earn an average of \$1200000 COP for 44.6 hours worked a week. Fedesarrollo does not consider the time spent connected and waiting for orders or services in its calculations. However, one of the main adverse factors that workers experienced in 2022 was related to the increase in the cost of living. The higher prices of food have disproportionately affected low-income workers both in the formal and informal economy. Inflation in 2022 hit harder on lower-income workers, such as gig workers, vulnerable and poor people who experienced an increase of 14.93% and 14.80% respectively in the annual cost of living.



THE LEGAL CONTEXT

The Task of Regulating Digital Platforms in Colombia: Challenges and New Perspectives

In 2022, both presidential and congressional elections were held, setting a new government and Congress for the next four years. For the first time in Colombian history, a left-wing candidate, Gustavo Petro, reached the Presidency. He is a former guerrilla fighter who became President with the support of workers' unions, ethnic minorities, and young voters. His election has been seen as a unique opportunity to close gaps and historical debts with historically marginalised groups in the country.⁶

Petro's government programme has the title: "Colombia: Potencia Mundial de la Vida" (Colombia: a Life Superpower) and it encompasses a set of reform and progressive policies in different arenas from healthcare, social security to energy policy. After more than a decade of lack of regulation for digital platforms', Petro's government has promised to regulate digital platforms in terms of workers' rights and taxation.8 This marks a deep change in the relationship between government and digital platforms and in the ways in which the Government regards the digital economy.

At the end of last year, the new Minister of Work, Gloria Ramírez, in one of her first interviews, stressed the need to regulate working conditions in digital platforms. Since then, she has set round table discussions with representatives of platform workers' unions, the Ministry of Information and Communication Technologies, and digital platform representatives to identify key elements to be included in the upcoming labour reform.9 Importantly, the new framework for platform regulation is centred around the protection of platform workers.10



One of the first concrete actions of the Government in this regard can be found the Development Plan¹¹ presented to the Congress in March 2023. The project outlines the implementation of a "Public Policy for Dignified and Decent Work", whose main purpose is to promote social protection and formalisation agreements through contracts that guarantee the employment relationship, labour stability and union freedom (Congress of Colombia, 2023).12 This policy has five pillars: i) Generation and employment and income protection, (ii) social protection and extended social security with adequate and comprehensive coverage, (iii) guarantee of the fundamental rights of workers from the promotion and effectiveness of the right to freedom of association, (iv) social dialogue, promoting tripartism as a public policy instrument, (v) national and territorial coordination with differential attention to citizens and citizens in the territories and productive sectors. Platform workers would be protected within this framework.¹³

THE NEW FRAMEWORK FOR PLATFORM REGULATION IS CENTRED AROUND THE PROTECTION OF PLATFORM WORKERS

A more contested path of regulation has been set for ride-hailing platforms. In February 2023 the draft of a bill

on transport platforms regulation was leaked. The draft, written by the Superintendency for Transport, imposed serious barriers to the operations of ride-hailing platforms in Colombia. In practice, it prohibited the use of ride-hailing platforms, introducing heavy fines for platforms, drivers and their users, and internet blockage of apps. The leaked documents provoked a wide public discussion and led to demonstrations of drivers on the streets, with many ending in clashes with the police.¹⁴ After the mobilisation of digital labour platforms, drivers and the support of the press and public opinion, the Government denied its knowledge of the draft and argued that no such bill would be presented to the Congress. This statement, however, was upsetting for taxi drivers, who were expecting a tougher stance of the Government against digital platforms. On February 22, 2023, thousands of taxi drivers went on strike, requesting, among other things, the regulation of ride hailing platforms. 15 By the end of the day, taxi drivers' representatives and the Minister for Transport reached an 18 bullet point agreement that included the enactment of a regulation for ride-hailing platforms to be presented to the Congress. The next few months are expected to be intense in terms of regulation and social mobilisation around this subject. The government has promised to present a new Code of Labour (Estatuto del trabajo) that changes the current framework, which was set almost 60 years ago.

Fairwork Colombia Scores 2022

Minimum standards of fair work

AseoYa	7 /10	
Hogarú	6 /10	
Aux	5/10	
Cabify	5/10	
Beat	0/10	000000000
DiDi	0/10	000000000
DiDi Food	0/10	000000000
InDriver	0/10	000000000
Mensajeros Urbanos	0/10	000000000
Rappi	0/10	00000000
Uber	0/10	000000000

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

WWW.FAIR.WORK/COLOMBIA

Explaining the scores



Fair Pay

When assessing minimum pay, the scores took into account not only the amount paid by the platform to the worker for hours worked, but also the cost of providing task-specific equipment and paying work-related costs out of pocket. The scores also factored in waiting and log-in times between tasks.

Four of the platforms (AseoYa, Hogarú, AUX and Cabify) could evidence that workers' gross pay is at or above the minimum wage, which in 2022 was \$4167 COP/hour.

Adding in additional costs, such as unpaid waiting time, travel costs, vehicles, petrol, mobile phone data and insurance, meant that the 1.1 point could not unequivocally be awarded to the other four platforms.

When extending this net calculation to consider the living wage (currently estimated at \$12217 COP/hour for 2022), only one of the platforms (Cabify) could evidence that it pays its workers the equivalent of the living wage after costs.

We acknowledge the efforts made by domestic work platforms (AseoYA, Hogarú, AUX) to improve workers' incomes in terms of public transport commuting bonuses and compensation for leave days.



Fair Conditions

Out of the eleven platforms, four (AseoYa, Hogarú, Aux, Cabify) were able to evidence that they take action to protect workers from risks that arise on their jobs.

Specifically, these platforms (AseoYa, Hogarú, Aux, Cabify) ensure safety equipment is provided, emergency response systems are in place, and private insurance is free of charge. All the platforms of domestic services could show that they provide social security, sick, and maternity leave according to Colombian law.

The remaining platforms identify their workers as independent contractors or collaborators, and therefore assume that it is not the responsibility of the company to provide any safety net.



Fair Contracts

Four platforms have clear and accessible terms and conditions. An important criterion for awarding points for fair contracts is that the platforms recognise Colombian law as the applicable law for addressing worker-related issues.

As a result, some platforms applying the law of other countries were not able to gain this point. Additionally, platforms must take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

One platform, AseoYa, has committed to providing permanent contracts to its workers in 2023.



Fair Representation

Collective organisation and representation is a fundamental right for workers and employees in most countries, but self-employed workers lack this right in Colombia.

Only domestic work platforms (AseoYa, Hogarú and Aux) gain a point for 5.1. This is mainly due to the platforms' efforts to recognise workers' collective representation, as well as their right to choose their own representatives.



Fair Management

Four platforms, (AseoYa, Hogarú, Aux and Cabify), could evidence an effective system of due process for decisions affecting workers, entailing 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 four platforms have the intention to issue public statements in support of equality, diversity and inclusion, but none has developed a well documented process yet, an institutional inclusion and equity policy. These platforms have declared the interest of developing an inclusion policy for the next round of scoring.

PLATFORM IN FOCUS

AseoYa

AseoYa is a cleaning services platform founded in 2010 in Cali (Colombian Pacific) connecting workers with clients to clean offices, clinics, houses, apartments and other premises. Its headquarters are located in Cali, but it has operations in Bogotá, Medellín, Pereira, Cartagena and Barranquilla. Currently, AseoYa is part of the Spanish company 3LIM2000 Facility Services, which has operations in Spain and Colombia and is forthcoming in Ecuador, Peru and Canada.

Principle	First point	Second point	Total
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	1
Principle 2: Fair Conditions	Mitigates task-specific risks	Ensures safe working conditions and 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	
Principle 5: Fair Representation	Assures freedom of association and the expression of worker voice	Supports democratic governance	2

Glovo's total score



AseoYa mediates the interaction of workers with customers and organises part of its logistics through an app. The company directly hires all its employees in compliance with the provisions of the Colombian regulation for domestic workers (Law 595 of 2012 and Law 1788 of 2016). It also offers to its workers permanent contracts and provides different benefits such as premium pay, severance payments, health insurance, pension and Labor Risk Insurance (ARL). The company is committed to the professionalisation and protection of domestic workers. The aforementioned regulation in Colombia has been effective in raising the standards and the working conditions of domestic workers in the formal sector. One of the main challenges, however, is formalisation. Companies like AseoYa are promoting decent work and taking steps towards the inclusion of domestic workers into formal working relationships. In what follows we detail the actions of the company to promote decent and fair work according to the Fairwork Principles.

Fair Pay

The platform provided evidence that their workers earn more than the local minimum wage (\$4167 COP) after costs. However, after adding all the bonuses and benefits the workers do not earn enough to reach the living wage. An hourly living wage for 2022 was \$12516 COP and AseoYa pays \$9280 COP per hour (taking into account all benefits). This translates into 74% of the living wage. Although it is important to recognise the efforts made by the platform to provide a higher income, workers argue that they struggle to cover the expenses of their household and families.

Fair conditions

AseoYa is a domestic work platform which contracts workers directly. This in practice means that the platform has to develop a comprehensive policy for task-specific risk mitigation and train workers on these issues. Adequate equipment such us uniforms and mobile data and training are provided to protect workers' health and safety from task-specific risks. The platform mitigates the risks of lone working by providing occupational safety, including counselling, training and personal equipment. Its workers do not suffer significant costs as a result of accidents, injury or illness resulting from work. Workers are compensated for income loss due to inability to work commensurate with the worker's earnings according to Colombian law. A Labour Risk Insurance and the healthcare insurance

(EPS) provide protection when workers are unable to work for an extended period due to unexpected circumstances. Their standing on the platform is not negatively impacted.

Fair contracts

The contract that AseoYa offers to its workers is an permanent employment contract. The contract recognises the employee's status and follows the legal framework for domestic work in Colombia. The contract is written in clear and comprehensible language and does not impose unfair clauses on workers. The contract is the best provided in the sector, as analysed by our legal team in terms of stability and workers' rights. It is important to note that after ongoing talks with the Fairwork Colombian team, AseoYa has added an addendum (otrosí) to all contracts extending the notification period from 10 to 30 days.

Fair management

AseoYa has clearly established procedures within its internal work regulations for any queries directed to the platform. There are well-established communication channels and procedures to resolve any concern, such as those related to services, the use of home appliances, and emergencies. In addition to the above, its workers have the telephone numbers and emails of their platform supervisors in order to be able to process or solve any problems that may arise during the provision of a service with a client. There are guarantees of due process in case of disputes or workers' requests. Additionally, the platform subscribes to the ILO's Declaration Against Contemporary Forced Labour. 16 There is a commitment to inclusion and the platform has clearly established mechanisms against discriminatory practices and attitudes of customers towards workers.

Fair Representation

AseoYa workers have collective bodies to discuss workers' concerns. Workers have access to the COPASST (Social Security and Work Safety Committee) and the Coexistence Committee. The workers' representatives, in both committees, are democratically elected. However, these committees do not have bargaining power. For these rounds of rankings and after dialogue with the Fairwork team, the platform has expressed interest in contacting domestic worker's organisations, and to recognise and work with a union, if one were set up.

PLATFORM IN FOCUS

Rappi

Rappi is a delivery platform founded in 2015 in Bogotá. It presents itself as an 'on-demand delivery startup' active in Mexico, Costa Rica, Colombia, Peru, Ecuador, Chile, Argentina, Uruguay and Brazil. It was founded by the Colombian entrepreneurs Felipe Villamarin, Sebastián Mejía and Simón Borrero with an initial investment of US\$2 million. Three years later, the company raised more than US\$200 million in funding. It has 1,500 direct employees and more than 25,000 associated delivery workers known as Rappitenderos.¹⁷

Principle	First point	Second point	Total
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	
Principle 2: Fair Conditions	Mitigates task-specific risks	Provides a safety net	
Principle 3: Fair Contracts	Provides clear and transparent terms and conditions	Ensures that no unfair contract terms are imposed	
Principle 4: Fair Management	Provides due process for decisions affecting workers	Provides equity in the management process	
Principle 5: Fair Representation	Assures freedom of association and the expression of collective worker voice	Supports democratic governance	

Glovo's total score



In 2021, Supersociedades, the Colombian competition regulator, down-ranked Rappi (based on its financial statements) from position 385 in 2020, to 771 in 2021 (in 2019 it had ranked 796). This ranking measures the performace of the 1000 biggest companies according to their operational income in the country. In 2020, Rappi billed 403016 million COP (about 100 million USD) in Colombia alone, spurred by the lockdowns. Post-pandemic, the balances returned to pre-pandemic levels: in 2021 revenues fell to 254489 million COP (about 53 million USD at current exchange rates), which resulted in losses of 243468 million COP (about 50 million USD).¹⁸

Meanwhile, Rappi has expanded the scope of its business, diversifying into digital advertising, delivery of items beyond food (Rapifavores) and banking (Rappi debit/credit cards). Rappi is the most used platform by restaurants in Colombia and the most influential with the former government. The platform has different operating applications for the specific actors that it mediates: "Rappi" for customers which allows placing orders, Rappi Aliado for Business and "Soy Rappi", which is used by delivery workers.

Rappi workers have been politically active and they have been the main force in the organisation of digital workers' unions. Since 2019, some workers have protested against the precarious working conditions in delivery work, including long working hours, distances and fixed tariffs, which have led to decreasing incomes, constant deactivations as well as constant scrutiny from external (police) and internal security employees (Rappi brigadistas),19 safety problems, and the persistent lowering of their pay. In response, UNIDAPP (Union of Digital Platforms Workers) has developed different strategies, from lawsuits to public demonstrations, to render visible the abuses of the platform and the lack of compliance 20 with the few local regulations that protect platform workers, such as Bogotá Mayor Decree 082 of 2021.21 This decree requests the platform to develop an official list of its delivery workers and the establishment of operation infrastructures for the workers, which should include parking, eating and resting areas, and bathrooms.

Rappi has recently been a focus point for the National Government after reviewing the complaints posed by the worker groups to the platform.²² In November 2022, the Ministry of Work opened an investigation against Rappi for breaching the regulation on safety at work and healthcare, and refusing to negotiate with the platform workers' unions. The relationship of Rappi with the government changed dramatically during the transition from the Duque to the Petro administration. From being presented as a "unicorn", a successful example of a new generation of Colombian business based on technology, Rappi has become the visible face of platform workers' precariousness.

In what follows we detail the main identified limitations of the platform and barriers to promote decent and fair work according to the Fairwork Principles.

IN NOVEMBER 2022, THE MINISTRY OF WORK OPENED AN INVESTIGATION AGAINST RAPPI FOR BREACHING THE REGULATION ON SAFETY AT WORK AND HEALTHCARE, AND REFUSING TO NEGOTIATE WITH THE PLATFORM WORKERS' UNIONS.

Fair Pay

To earn this point platforms must demonstrate they ensure every worker earns the minimum wage after costs. Interviews suggest that some workers can earn the minimum legal wage in some instances, however this is not true for all workers.

Fair conditions

This principle is awarded to platforms that mitigate tasks-specific risks and ensures safe working conditions providing a safety net in case workers are forced to stop working for the platform in case of illness. Some workers report that the platform provides insurance whilst the delivery is still active and for 30 additional minutes. However, UNIDAPP has extensively documented the lack of substantial support from Rappi in case of accidents.²³

The platform provides some training through blogs and social media and in very specific campaigns, such as biosafety during the peak of Covid-19. Workers report abuse from some customers, and mention that the platform ignores these cases.

Fair contracts

Rappi's terms and conditions are problematic in multiple respects. In several distinct clauses, they limit the liability of the company towards its workers while, at the same time, imposing onerous duties and obligations on the workers. The language used is clear, but there are ambiguities in some terms such as the definition of "rappitendero" and regarding liability. Colombian commercial legislation is used as the legal framework. However, there are doubts regarding a possible concealment of a subordinate labour relationship between Rappi and the so-called agents (its riders), due to the powers conferred on the application to supervise their work, which affects them positively or negatively according to the qualifications of the agents.

Fair management

Workers note an increase in automation in interacting with the platform. There is no evidence of a due process to solve problems related to deactivation. Workers do not feel that the platform has measures in place to promote diversity, equality and inclusion. UNIDAPP has denounced persistent violence against migrant workers and women, with a lack of concrete actions from the platform.²⁴

Fair Representation

Collective representation bodies, such as UNIDAPP, have requested the Ministry of Labour to start an inquiry about the lack of compliance of Rappi with basic risk regulations. The platform has resisted the various invitations of UNIDAPP to discuss measures to improve the working conditions of its platform workers.



Workers' Stories

Mariela* is a mother of three and is currently separated.

Before becoming a platform worker at a ride-hailing platform, she had been working as a saleswoman for a food company. After learning that one of her sons had a rare health condition, Mariela found herself looking for a more flexible job which led to starting to work for different rail-hailing platforms—which "would allow her to be a real mom" as she puts it. However, this job, which providers her with a decent wage to make a living and is her only option for the foreseeable future, comes with its challenges. Even when some working conditions are relatively good, in terms of income for instance, interfacing with an app for services creates difficult situations in performing her job adequately. Mariela finds the app to be lacking user-friendliness. She has identified two significant issues: the map function frequently zooms in and out on its own, causing frustration, and, the fact that she often has communication issues with passengers due to the platform management's unresponsiveness. However, what continues to cause most concern for Mariela is the rate of cancellations on the app and its strict limit of only allowing for three cancellations per day. As she told us, "Sometimes I want to cancel a service because I can't pick up a service, but the user doesn't cancel because it generates an extra cost".

A second challenge Mariela mentions is that the job can be risky in terms of police harassment and the lack of legal support from the platforms, causing further stress. Nevertheless, with the help of her support group on Zello and WhatsApp, she has devised strategies to minimise them. Through these groups, she is informed about the different police checkpoints and their operating times around the city. Despite these precautions, Mariela acknowledges that the fear of having her car impounded or receiving a fine for carrying passengers is ever-present.

In Colombia, there have been several attempts to regulate delivery and rail-hailing platforms in terms of being allowed to operate as mediating services without any acknowledgement of the employment relationship. The lack of regulation, the platform remains "illegal", affects the relationship with police and taxi divers in the street.

Mariela finds that women drivers experiences' are different from men's. She has been a victim of sexist comments because of the way she drives, so she often feels intimidated by passengers. She has been also a victim of sexual harassment. As she underlined in our interview: "I had three scares with men", in which they suggested that she stay with them after the service to "have a drink and I'll pay you whatever you want, I give you as much money". She continued: "There are users that when they hear no, they become a little aggressive." She not only attributes such behaviour to to being a woman driver, but she also thinks that it happens because she works at nights and close to the bar areas. At the time of the harassment Mariela did not report the behaviour to the platform managers, but she now knows there are mechanisms in place such as attentions routs in these cases.

Despite the challenges, Mariela remains optimistic about working for a ride-hailing platform. She considers it a means to fulfil her role as a mother and provide for her children. However, she believes that the owners of these platforms can play a crucial role in advocating for the rights and well-being of workers like herself.

Leidy* is a 44-yearold indigenous woman who came to Bogotá six years ago looking for a better life. She held several jobs before joining a domestic and care work platform. She was a babysitter, cleaner and flower picker. These jobs were informal and had no stability. When the pandemic hit in 2020, she lost her job at the flower farm. Soon after, she got a call from a domestic work platform. Leidy accepted the position as this was a much-needed offer that allowed her to stay in Bogota. Leidy explained: "I didn't want to go back to my hometown because jobs and resources there are scarce."

Leidy has worked for this platform for two years now. Initially, her activities included cleaning services in houses and offices but her hourly salary did not meet even the minimum wage. Then the company offered her a contract to work as a carer for an elderly woman. This meant that Leidy had to accept living in the client's house, cooking, and doing the cleaning while keeping her company. Since Leidy has had experience with childcare services, she immediately accepted the offer. She has been doing this job for about a year and a half, she works every day and gets a day to rest every fortnight. Now she earns the Colombian legal minimum wage plus the established rights (health and pension benefits) defined under the Colombian law for domestic workers, as well as relatively fair working conditions—although when Fairwork researchers asked about her daily routine, she showed some doubt about the working hours:

I work from 7:00 a.m. to 9:00 or 9:30 p.m. every day [...] I cook breakfast, lunch, and dinner, and I do the cleaning [...] at night I watch TV with her until she falls asleep, and then I go to my room.

Elderly care was challenging for Leidy as she had to get used to the client's habits, meeting a demanding working schedule while learning ways to communicate assertively with the customer. Currently, Leidy acknowledges she has an employment relationship with the client and that this working arrangement provides her with some advantages. Earning the monthly minimum wage has made Leidy able to provide for her extended family. "My sister passed away, so I am in charge of my niece, and nephew [...] my nephew's high school graduation is soon, he wants me to be there, but I don't know if I can make it."

Given the opportunity, Leidy would like to become a mechanical technician: "I had half a scholarship to study but, because of my job, I didn't have the time to continue".

Raúl* is 51 years old and works for a ride-hailing platform using a premium service, designed for drivers who have upgraded cars for the platform.

Raúl* is 51 years old and works for a ride-hailing platform using a premium service, designed for drivers who have upgraded cars for the platform. It gives some advantages in terms of higher payment. Raúl has ample experience in the sector. First, as an automotive technician, then as a taxi driver and driver for a private company. Raúl considers working for the platform a game-changer as he now generates a better income than any other job he previously held. For Raúl, it is important to have a well-balanced life between family and work. However, he believes that, lately, his work has forced him to have fewer resting hours. There is a new norm restricting the circulation of vehicles to two or three days a week in Bogotá, which has considerably reduced his potential working hours.

For Raúl, working for a ride-hailing platform has allowed him to form a digital community who have advised him about the experience of using the app and moving around the city as a driver. However, lone working is not really a problem for him as long as he can perform it in a safe manner. Raúl has two emergency contacts and shares his location with them from time to time. Lately, he feels he knows how to navigate efficiently the challenges this job brings, and has a favourable perception of the customers who use the app—which may be because he works with foreign clients. He considers himself a benchmark for his peers due to his experience, so he has taken the initiative to defend other workers before the platform when he considers it necessary to guarantee their rights. Raúl has helped filling petitions and complaints for fellow drivers, forming an organised but informal group of workers to discuss the purpose and objective of regulating work and improving their contractual / working conditions.

* All names have been changed to protect worker identity

THEME IN FOCUS

Workers in Poverty —Rising Cost of Living and Decent Incomes in the Platform Economy

Despite the ongoing pandemic, 2022 began as a year of hope. Economies were expected to grow, and they did. The promises of a new normality fuelled the optimism of the media and the public. However, such optimism faded by the end of the year, with a sharp increase in inflation and associated problems of higher cost of living and growing national debt. Furthermore, Russia's invasion of Ukraine in 2022 has pushed many countries beyond their ability to cope. Rising food and fuel prices, debt distress, and tightening financial conditions are now combining to create what the UN is calling the largest cost of living crisis of the 21st century.

International and national context

Despite the ongoing pandemic, 2022 began as a year of hope. Economies were expected to grow, and they did. The promises of a new normality fuelled the optimism of the media and the public. However, such optimism faded by the end of the year, with a sharp increase in inflation and associated problems of higher cost of living and growing national debt. Furthermore, Russia's invasion of Ukraine in 2022 has pushed many countries beyond their ability to cope. Rising food and fuel prices, debt distress, and tightening financial conditions are now

combining to create what the UN is calling the largest cost of living crisis of the 21st century.²⁵ Despite the global reach of the crisis, lower- and middle-income countries have been the most affected by rising costs. Food and fuel comprise a larger share of the budget for workers in Colombia, magnifying the impact of any price increases. Chronic debt, corruption and bad management have left governments with limited means to support their populations, perpetuating a cycle of poverty, hunger, and civil unrest.

Last year in Colombia, annual inflation closed at its highest level in 23 years: 13.1%. For the analysts the biggest surprise came mainly in food items, which reached an annual price growth of 27.8%. The main factors behind this increase were associated with the high prices faced by farmers for imported fertilizers, partially due to the trade disruptions of the pandemic, and partially the war in Ukraine. This was compounded by the "La Niña" phenomenon, a heavy rain season which lasted longer than expected, impacting the supply of agricultural products.²⁶

Workers in poverty

The high prices of food disproportionately affect low-income workers both in the formal and informal economy. DANE (the Colombian Department of Statistics) reports that inflation in 2022 hit harder for lower-income workers, vulnerable and poor people who experienced an increase of 14.93% and 14.80%²⁷ respectively in the annual cost of living. The government responded by increasing the legal minimum wage to a record high in the history of the country. At the end of 2021, Duque's Government increased the minimum wage by 10.07%, reaching the \$1000000 COP landmark. Then, the new government under Gustavo Petro's leadership ruled an increase of 16%, 3.4 percentage points above inflation. One of the main limitations of these measures is that only 15% of workers earn the minimum wage, representing only 3.4 million of the 22 million workers in the country. Even worse, 43.1% of workers earn less than the minimum wage in Colombia, but are not covered by minimum wage legislation.

Technocratic voices—including think tanks like
Fedesarrollo—have claimed that the minimum wage is
too high for the Colombian context, and its increase is
one of the leading factors behind inflation.²⁸ In contrast,
DANE's classification of poverty and income shows that
the average family (representing 3.1 people per Colombian
household) living only on the minimum wage is at risk of
extreme poverty.²⁹ Furthermore, the rate of poverty might
be underestimated. A study conducted by ABACO (the
Colombian Food Banks Association) estimated that the
cost per capita of a complete and nutritious food basket in
Bogotá in 2022 was \$433222 COP, which is almost twice
the value set by DANE for defining the extreme poverty
line.³⁰

Minimum wages, poverty and the cost of living amongst gig workers in Colombia

The increasing cost of living has also affected platform workers, but such impact varies across sectors.

Most platform workers barely make the minimum wage.
Fedesarrollo estimated that delivery workers had a monthly average income of \$867000 COP for a 35-hour week, while platform drivers earn an average of \$1200000 COP for a 44.6 hour week (the minimum wage of reference being COP \$908526 in 2021).31 These estimates did not include the time spent connected while waiting for orders or services.

Our research has shown that delivery workers are facing greater precarity in terms of loss of value of income. Their earnings did not increase during 2022, whilst the cost of food and fuel grew. Moreover, the food delivery sector has experienced a post-pandemic crisis—after an expansion during the lockdowns, they have now faced a reduced demand for services and less available capital for expansion. Last year, key actors in the sector such as Ifood and Joker exited the market.

In the case of ride-hailing drivers, according to the interviews we conducted, most drivers would earn an income above the minimum wage, and in some cases their income could even be higher than the living wage.³² However, drivers have to face long working hours and a hostile working environment with heavy traffic, risk of assault and police harassment. On the other hand, the price of gasoline has become a key matter of concern. Last October, the price per gallon was \$9108 COP. Three months later, the price was \$10523 COP in Bogotá,³³ representing an increase of 15%, and further rises are expected. Both taxi and ride-hailing workers have made public demonstrations to demand government support.

Finally, in the case of domestic work, despite the regulatory protections (the Colombian regulation sets the minimum wage as mandatory) and the efforts of the platforms for providing bonuses and support, workers are facing difficulties to sustain their families with the increases in food and essential services. Additionally, most of the domestic workers are women head of households, taking additional responsibilities of care in their own homes. The labour market for domestic work is organised around

the legal minimum wage and it has difficulties moving beyond it.

The living wage: fantasy or political path?

In this context, the call for a living wage, the right to have a basic but decent income beyond basic survival, seems a fantasy. We have calculated34 that the net living wage for a household of 3.1 people with 1.6 workers in Bogotá should be around \$2400000 COP per month twice the current legal minimum wage. This is the minimum income to provide decent housing, food, recreation and the possibility of savings. The country unfortunately is far from providing a fair labour market that works for all. Even highly qualified professionals and essential workers such as teachers and nurses do not earn a salary close to the living wage.³⁵ It does not mean that the debate should be postponed for an undefined future. For most Colombian workers, their income does not cover the basics of subsistence. We have developed a predatory economy that feeds from the lives of the many for the maintenance of the few. The question of the living wage renders this reality visible and constitutes a political path for change.



* All names have been changed to protect worker identity

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 Contracts:

AseoYa has introduced an addendum changing the notice period for changes made to the contract from 10 to 30 days.

Hogarú is developing a pilot programme to assess the financial sustainability of permanent contracts for its workers.

Fair Representation:

AseoYa has expressed its intention to sit with domestic workers unions to know more about their discussions.

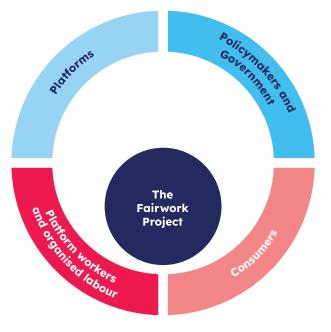


Pathways of Change

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 Colombia, and we are seeing increasing influence and impact. In this regard, we see four pathways to change (Figure 2).

Figure 2: 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 Colombia. Many platforms are aware of our research, and eager to improve their

performance relative to last year, and to other platforms. For example, Hogarú, AseoYa, AUX and Cabify 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 Congress and the Ministry of Labour to advise on the regulation of digital labour platforms in Colombia.

Finally, and most importantly, workers and their organisations are at the core of Fairwork's model. Our principles have been developed and are continually refined in close consultation with workers and their representatives (Figure 3). 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. To that end, wee have consulted labour organisations, such as UNIDAPP, leading worker organising in digital labour platforms to ensure our scores reflect the priorities of workers. We have also run an independent survey and billboard campaign reflecting public attitudes toward platform work. We found that only 20% 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 72% support changes to employment law aimed at reducing the number of misclassified self-employed workers; 85% think platforms should be mandated to negotiate with representative unions.36

There is nothing inevitable about poor working conditions in the platform economy. Despite 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 3: Fairwork Principles: Continuous Worker-guided Evolution



Changes to Principles

(agreed at annual Fairwork symposium that brings together all country teams)

Periodic International Stakeholder Consultations

(involving gig workers', workers' organisations, cooperatives, etc)

Annual Country-level Stakeholder Consultations

(involving gig workers', workers' organisations, cooperatives, etc)

Yearly Fieldwork across Fairwork Countries

(involving surveys and in-depth interviews of gig workers)

Ongoing Advocacy Efforts

(involving campaigns for worker rights and support to workers' organisations)





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. We are proud to announce the official Fairwork Supporters in Colombia: GIZ, WZB Berlin, The Oxford Internet Institute, and the School of Human Sciences at the Universidad del Rosario. 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 ON THE PLEDGE, AND HOW TO SIGN UP, IS AVAILABLE AT

WWW.FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a "digital labour platform" as an enterprise that mediates and facilitates "labour exchange between different users, such as businesses, workers and consumers". 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". **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 models. **39**

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.

Table 1 Fairwork Scoring System

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 January 2022 and December 2022, and are valid until December 2022.

Principles	First point	Second point	Total
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	2

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 vehicle⁴⁰. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage⁴¹. 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, such as mandatory training, which are also considered active hours⁴². 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 both of the following:

- Payment must be on time and in-full.
- 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 costs⁴³.

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 the following:

 Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.^{44,45}

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 basic steps to mitigate them.

The platform must satisfy the following:

- Adequate equipment and training is provided to protect workers' health and safety from task-specific risks⁴⁶.
 These should be implemented at no additional cost to the worker.
- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.

2.2 - Ensures safe working conditions and 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 should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

The platform must satisfy ALL of the following:

- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.
- Workers should be 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.
- The platform implements policies or practices that protect workers' safety from task-specific risks⁴⁷.
 In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

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 workers⁴⁸. 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/terms & conditions are presented in full in clear and comprehensible language that all workers could be expected to understand.
- Workers have to sign a contract and/or give informed consent to terms of conditions upon signing up for the platform.
- The contracts/terms and conditions are easily accessible to workers in paper form, or via the app/platform interface at all times.
- Contracts/terms & conditions do not include clauses that revert prevailing legal frameworks in the respective countries.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

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 ALL of the following:

 Every worker is notified of proposed changes in clear and understandable language within 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.

- The contract/terms and conditions neither include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions. The platform 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.
- In case platform labour is mediated by subcontractors:
 The platform implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.
- In cases where there is dynamic pricing used for services, the data collected and calculations used to allocate payment must be transparent and documented in a form available to workers.

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 an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively 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 interface⁴⁹.
- 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:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform 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 status⁵⁰.
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- 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.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

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

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes—and importantly—be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.

Platforms must satisfy ALL of the following:

- There is a documented mechanism⁵¹ for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface⁵².
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation⁵³.

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. In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation⁵⁴.

ENDNOTES

- 1 The World Bank (2022) Overview, The World Bank in Colombia, accessed https://www.worldbank.org/en/country/colombia/overview#1 (9th May 2022).
- 2 https://www.oecd.org/cfe/leed/social-economy/tackling-informality-in-colombia-with-the-social-and-solidarity-economy.htm
- **3** https://www.dane.gov.co/index.php/estadisticas-por-tema/mercado-laboral/empleo-y-desempleo
- 4 https://www.ft.com/content/e5f5e5b9-3aec-439a-b917-7267a08d320f
- **5** Fedesarrollo, 2021. https://www.fedesarrollo.org.co/es/content/plataformas-digitales-y-contribuciones-seguridad-social#:~:text=Fedesarrollo%20realiz%C3%B3%20un%20estudio%20que,y%20despu%C3%A9s%20de%20la%20pandemia
- 6 https://blogs.lse.ac.uk/latamcaribbean/2022/06/23/primer-presidente-izquierda-colombia-historia-petro/
- 7 Fairwork (2022) Fairwork Colombia Ratings 2021: Promises of Social Security Reforms in the Gig Economy. Bogotá, Colombia; Oxford, United Kingdom; Berlin, Germany.
- 8 https://gustavopetro.co/descarga-programa-de-gobierno/
- **9** https://www.mintrabajo.gov.co/web/guest/prensa/comunicados/2023/enero/gobierno-nacional-propone-regular-mas-de-700-plataformas-digitales-en-colombia
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- **14** https://www.larepublica.co/empresas/proyecto-de-ley-buscaria-sacar-del-mercado-a-las-aplicaciones-moviles-de-transporte-3533177
- **15** https://www.mintransporte.gov.co/publicaciones/11292/mintransporte-llega-a-acuerdo-con-taxistas-para-levantar-el-paro-que-se-desarrolla-en-el-pais/
- **16** The Declaration Against Contemporary Forced Labour. https://www.ilo.org/global/topics/forced-labour/projects/lang--es/index.htm
- **17** Rappi, 2019. https://blog.soyrappi.com/se-rappi-experto/comunidad-soy-rappi/boletin/
- **18** El País, 2022. https://elpais.com/america-colombia/2022-12-21/lasilenciosa-caida-de-rappi.html
- 19 Brigadistas are Rappi's personnel hired to avoid agglomerations of delivery workers at places where migh wait for services, as well as to oversight the delivery of personal protection elements and supervision of their use. In contrast to couriers, brigadistas have employment contracts, and all the legal benefits.
- **20** https://www.eltiempo.com/bogota/domicilios-bogota-solo-se-han-instalado-cinco-sitios-exclusivos-643745
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- **26** https://www.bbvaresearch.com/en/publicaciones/inflation-closed-2022-at-its-highest-level-in-23-years-131/
- 27 The annual variation of the Consumer Price Index (IPC) by level of income was: Poor (14.92%), Vulnerable (14.80%), Middle Class (13.28%), High incomes (11.52%). Poor corresponds to people with an income per capita between \$130000-376000 COP, Vulnerable between \$437000-663514 COP, and Middle class between \$806.000-2145830 COP. https://www.dane.gov.co/files/investigaciones/boletines/ipc/bol_ipc_dic22.pdf
- 28 https://www.fedesarrollo.org.co/sites/default/files/enlosmediosimpreso/laopinioncomco29agosto2022.pdf
- 29 To determine poverty lines for households, DANE suggests multiplying the lines per capita by the number of family or household members. The average of people per household in 2022 according to DANE was 3.1. https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria.
- 30 https://abaco.org.co/observatorio/
- **31** Arbeláez, M. A. & Fernández, C. (2021). Plataformas digitales y contribuciones a la seguridad social. El caso de Colombia antes y después de la pandemia. Bogotá: Fedesarrollo, 54 p. accessed https://www.repository.fedesarrollo.org.co/handle/11445/4159 (23th May 2022).
- **32** However, just one platform (Cabify) provided direct evidence of the payment dynamics, showing that workers earn more than the hourly minimum wage after costs. We do not have evidence regarding the other platforms.
- **33** https://www.valoraanalitik.com/2022/12/31/colombia-inicia-nuevo-ano-con-fuerte-alza-en-precio-de-la-gasolina-y-acpm/
- 34 We have followed the Living Wage Coalition standards to approach Living wage calculations. Specifically, we followed the Anker Foundation calculation of Living wage for Colombia (2021). https://www.globallivingwage.org/living-wage-benchmarks/living-wage-for-caribbean-coast-of-colombia/ However, this calculation has been done only for the Caribbean Coast region. To project a living wage for the central region (Bogotá, Medellín and Cali), see https://repositorio.banrep.gov.co/handle/20.500.12134/6336, we have increased the Anker Living Wage 25%. The living Wage for the central region in 2021 was estimated at \$2403197 COP. All the benefits such as primes, bonuses and severances fees are added to the salary and contribute as Living wage. The monthly living wage is divided in 192 hours (48 hours is the legal working week in Colombia).
- **35** https://www.elpais.com.co/colombia/se-preve-una-crisis-laboral-enel-sector-de-salud-en-el-colombia-segun-revelo-estudio.html
- **36** Fairwork (2022). Encuesta digital sobre la percepción de los ciudadanos sobre las plataformas digitales y los trabajadores de las plataformas digitales. CNC, WZB Berlin and Fairwork Colombia.

- **37** 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
- 38 ILO 2021 report, p.107.
- **39** 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
- **40** 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.
- 41 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.
- 42 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 and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). 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.
- **43** 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.
- **44** Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
- **45** 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 aftercosts.
- 46 The ILO recognises health and safety at work as a fundamental right. 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."
- 47 The ILO recognises health and safety at work as a fundamental right. 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."

- **48** 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.
- **49** 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.
- **50** In accordance with the ILO Convention No. **111** concerning Discrimination in Respect of Employment and Occupation and applicable national law.
- **51** A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management.
- **52** 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."
- **53** 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.
- **54** If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers' queries to its communication with the existing representative body.

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