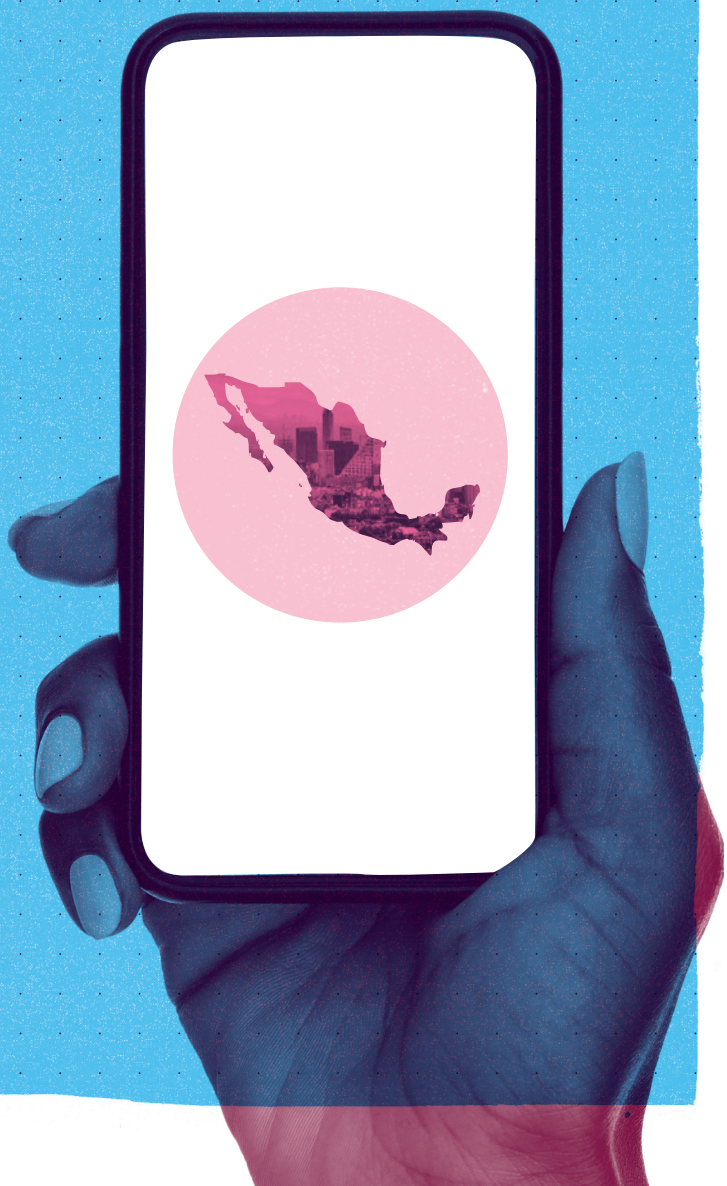
Fairwork

LABOUR STANDARDS IN THE PLATFORM ECONOMY

Mexico Ratings 2023



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Executive Summary

The first Fairwork report for Mexico presents an overview of the labour conditions of platform workers in the country. It comes at a crucial time, while the country's legislature is actively considering labour regulations that would directly impact platform workers.

After a decade of the digital labour platforms' presence in Mexico, in 2023, platform workers have a real possibility of having a regulatory framework enshrining workers' rights and recognising the labour relationship between them and digital labour platforms. This comes after years of organised struggle by different collectives of delivery workers, and ride-hailing drivers for labour rights. Currently, there are several reform initiatives in the legislature, and while some are responsive to workers' demands, none provide a comprehensive response to all the proposals generated collectively by an alliance of platform workers for a minimum floor manifesto.

Fairwork Mexico's report provides an overview of the platform economy's treatment of workers. It serves as a baseline, demonstrating workers' conditions before the legislature was put in place, against which future changes in workers' conditions can be compared.

According to the National Occupation and Employment Survey (ENOE), there are around 250,000 delivery platform drivers in Mexico, with 80,000 more anticipated to join by 2025. More than 6.8 million people made at least one online food and beverage purchase in 2022.[1] These figures highlight the importance of the platform sector in Mexico, in terms of workforce and consumption, and its potential for growth. According to a study on digital platform work in Mexico, one of the main reasons workers join these digital labour platforms is unemployment, and the need to supplement their income to survive.[2]

The Fairwork Mexico team analysed nine digital labour platforms by conducting desk research, interviewing 105 platform workers between August and November 2022, and talking to platform managers. The platforms analysed were Uber, Uber Eats, DiDi, DiDi Food, Rappi, Cabify, inDrive, Jokr and Cabify.

Five additional in-depth interviews were conducted with stakeholders from government, NGOs, and digital platform workers. We were unable to award a score to any of the platforms studied, meaning that platforms could not satisfactorily demonstrate their implementation of the principles. Using the Fairwork methodology, we triangulated workers interviews, desk research and platform evidence to arrive at this scoring.

This report addresses the current regulatory debates on platform work in Mexico, the insecurity faced by workers and the violations that women platform workers face, making it clear that a gender perspective on platform economy is urgent.

EDITORIAL

The Physical and Mental Toll of Platform Work

An urgent finding of this first Fairwork Mexico report was impact platform work has on the physical and mental health of workers. Indeed, in megacities like Mexico City, and in urban environments marked by traffic congestion, pollution and fast-paced city life, workers' bodies are being reduced to an extension of the algorithm. Almost half of the workers we interviewed for this report reported that working for digital labour platforms affects them physically or mentally.

For many, the physical toll translates into poor nutrition, lack of sleep, back pain, as well as other conditions such as kidney disease.[3] In the case of those who work as drivers, these ill-health affects are mainly due to a prolonged sedentary lifestyle. Meanwhile, bicycle couriers find it particularly tiring to travel long distances with excessively heavy orders.[4] Further investigation is needed on the long-term physical and mental health effects of platform work. Does the sedentary work of drivers lead to lifestyle diseases like heart disease, obesity and diabetes? Are bicycle couriers more likely to suffer from chronic knee and back pain?

ALMOST HALF OF THE WORKERS WE INTERVIEWED FOR THIS REPORT REPORTED THAT WORKING FOR DIGITAL LABOUR PLATFORMS AFFECTS THEM PHYSICALLY OR MENTALLY.

Many of the workers we interviewed for this report complained that difficult traffic conditions caused them stress and anxiety, especially because of the constant fear of being involved in an accident. Feelings of vulnerability were heightened for those workers who did not have health insurance. Stress, the mental state most frequently mentioned in the interviews, is also caused by other factors. Among them, job precarity. As one delivery driver told us: "It affects us a bit mentally because of the stress we have about money, because it's not a permanent job, we have to fight for it, to have more income."

Poor customer interactions also affect the mental welfare of platform workers. As another delivery driver told us: "Maybe work affects me mentally or emotionally because of the type of customers. Some clients are very rude, very impulsive, very demanding, and the truth is that they are not worth the money they pay. Even if they paid two or three million, it wouldn't be worth it."

These worker testimonies become even more important when we consider that Mexican workers are still recovering from the social, physical, occupational, and emotional ravages of the COVID-19 pandemic. In order to make platform work fairer, both in Mexico and globally, we encourage all stakeholders to consider its physical and mental health impacts.

FAIRWORK MEXICO TEAM

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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 to be considered to offer basic minimum standards of fairness. We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be.

The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in 38 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

Fairwork countries

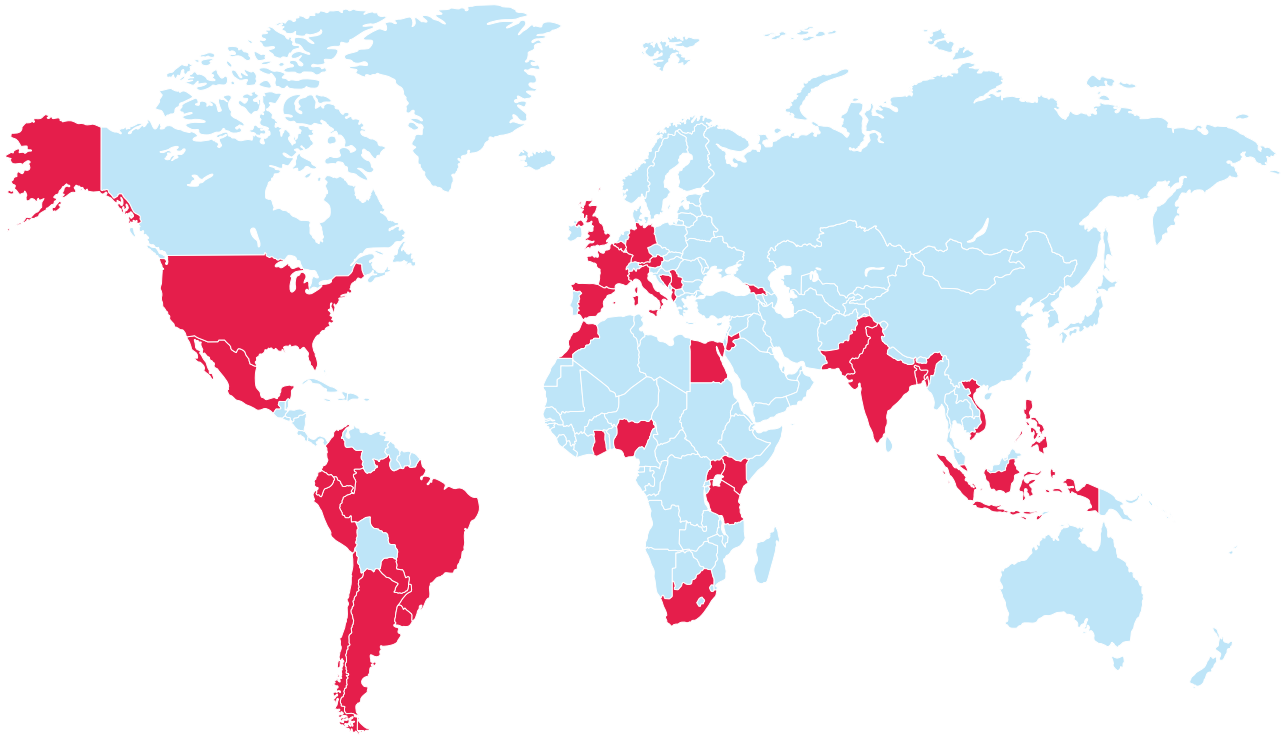


Figure 1. Fairwork currently rates platforms in 38 countries worldwide.

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, 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 Mexican context, they were reviewed with workers and labour specialists in Mexico City.

Appendix I provides more detail on the rankings of each principle and the criteria that were used to evaluate the digital labour platforms based on the empirical evidence gathered.

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

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 consists of interviewing platform workers directly. A sample of 10-12 workers is interviewed for each platform, with a total of 105 interviews carried out for this report between August and September 2022. 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. The interviews allow the team to confirm or refute that the policies and practices are really in place on the digital labour platform.

The development of the Fairwork Mexico report has been led by the Solidarity Center. This effort was initially framed as a collaboration between the collectives Ni Un Repartidor Menos and Ni Una Repartidora Menos and the Centro de Solidaridad through a co-research proposal.[5] The methodological tradition of co-research considers research and political action as intertwined elements. One of its fundamental characteristics is the collaboration between researchers and workers in the definition of questions, the construction of hypotheses, the collection of data and, finally, the use of the new knowledge produced. In the

present case, these two groups of digital labour platform worker collectives were involved in the selection and preparation of a team that conducted the interviews with the support of the Solidarity Center.

Contact with the interviewed workers was generated by a team of 10 digital labour platform workers from the collectives Ni Un Repartidor Menos and Ni Una Repartidora Menos. This team was trained in the project's tools and in specific interviewing techniques, with a training session and a feedback session. After these processes, each person conducted interviews based on a semi-structured guide of questions, which was based on the five Fairwork principles. Given that it was workers who interviewed their peers, there was a pre-existing bond of trust and access already in place. In order to be selected for an interview, the workers had to be over 18 years of age. All interviews were conducted in Spanish. Each interview was recorded with consent and then transcribed for analysis.

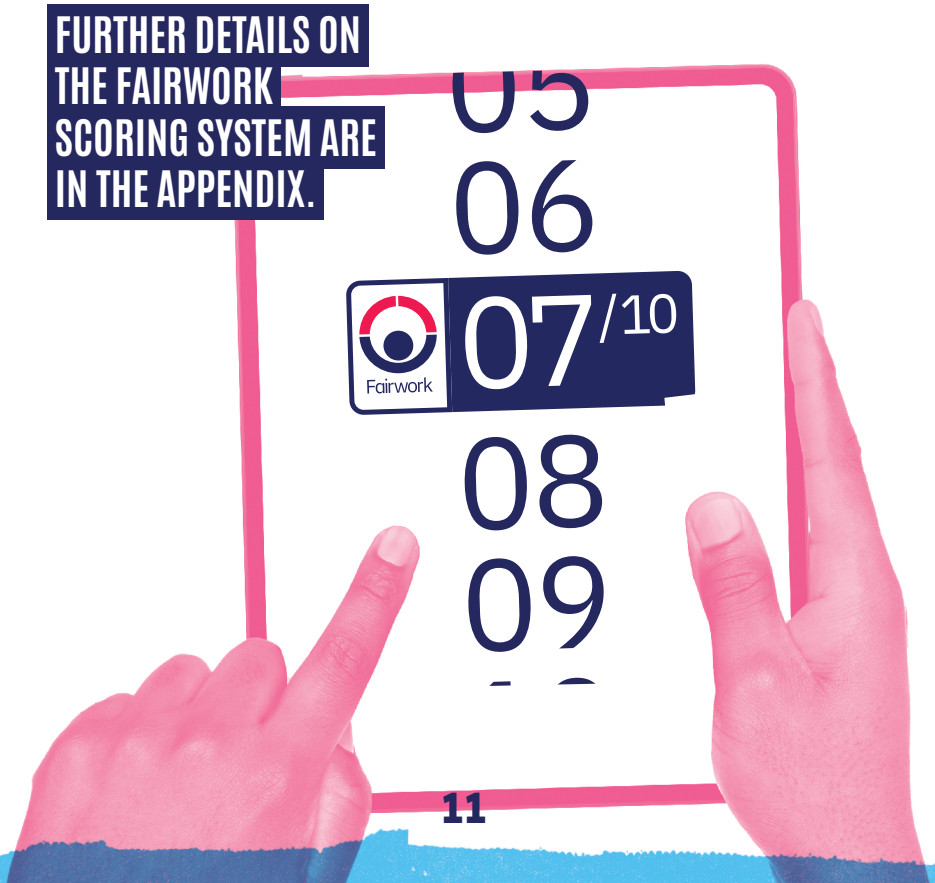
Putting it all together

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

Gender and the Precarious Work in Mexico

According to the latest edition of the National Occupation and Employment Survey of Mexico's National Institute of Statistics and Geography (INEGI),[6] there were 59.6 million economically active people in Mexico in December 2022, with 4.2 million people being underemployed, 1.6 million unemployed, and 31.8 million workers being accounted for by the informal sector, representing an informal labour rate of 54.9 percent of the employed population, almost evenly split between men and women.

There is a substantial gender gap in labour force participation, with 75.5 percent of men and 45.8 percent of women participating in the labour force, according to the INEGI survey.

A 2022 analysis by the Mexican Institute for Competitiveness (IMCO),[7] finds that Mexican women tend to earn lower incomes than men. Although Mexico's gender pay gap of 14 percent is lower than that of Iceland or the United Kingdom, this figure is contextualized by the fact that a low rate of women of productive age enter the paid economy. Most women also earn less than $10,510 pesos per month (about 525 US$). For 2022, the minimum wage was set at $172.87 pesos per day, or $5,255 pesos per month. These women are therefore dangerously close to earning less than the minimum wage and have very few opportunities for higher-paid leadership positions, according to IMCO's report. This inequality is structural and is rooted in factors like occupational segregation, gender stereotypes, and an unfair distribution of the unpaid workload.

As reported by INEGI in March 2021,[8] the gender gap in total workload—paid and unpaid—is 13.4 hours per week on average. The higher workload for women is reflected in less free time available: an average of 4.2 hours per week. According to the results of INGEI's 2019 National Survey on Time Use (ENUT), in unpaid domestic work for the household itself, women aged 12 and over reported 30.8 average hours per week while men in the same age range registered 11.6 hours per week.[9] Women were also disproportionately more affected by the COVID-19 pandemic in terms of work. INEGI data show that, in the first quarter of 2021, 1.6 million people exited the labour force, 84 percent of whom were women.[10]

Since the implementation of the 2019 Labour Reform, the unionisation rate has registered a slight increase, however the number of unionised workers is still quite low. According to calculations by the National Minimum Wage Commission

(Conasami), the average unionisation rate in 2022 was 12.7 percent. Despite the gradual historical weakening of trade unions, Rubio Campos (2017)[11] argues that in Mexico, affiliated workers have a lower degree of precariousness—analysed on the basis of contractual temporality, insufficient wages and lack of job protection—than those who do not belong to them. The same study shows that, among those who belong to a union, women are the least precarious, while those who are not affiliated to a union are more precarious than men in the same situation.[12]

AT LEAST

500,000

PEOPLE WORK ON DIGITAL LABOUR PLATFORMS IN THE COUNTRY.

As is the case in most countries where digital labour platforms operate, statistical data and public information on workers were scarce until relatively recently. In fact, the information that does exist largely results from individual research efforts, and worker advocacy initiatives. Although digital labour platforms arrived in Mexico in 2012—with Cabify being the first company to enter the country, and Uber the second in 2013—by the beginning of the COVID-19 pandemic, there was no quantitative information on the socio-economic composition or working conditions of platform drivers and delivery workers in the country, let alone for other sectors of digital labour.

One of the first surveys to provide information on digital labour platforms in Mexico was conducted in 2020.[13] Subsequently, gender-sensitive reports on working conditions and reports with more exhaustive statistical samples were published, highlighting the highly vulnerable conditions faced by those working in this sector.[14] According to the Mexican Social Security Institute (IMSS), at least 500,000 people work on digital labour platforms in the country.[15] That number is growing, as is the presence of these digital labour platforms in more cities across the country.

Ulises Vidal

LEGAL CONTEXT

The Possibility of a New Regulatory Framework

A decade after digital labour platforms first entered Mexico, platform workers now have the real possibility of a regulatory framework that enshrines worker protections and recognises the labour relationship between them and digital labour platforms.

This comes after years of organised struggle by different collectives of delivery workers and ride-hailing drivers for labour rights. Currently, there are several legal reform initiatives in the legislature, and while some are responsive to worker demands, none provide a comprehensive response to all the proposals generated collectively by an alliance of platform workers in its "Minimum Floor Manifesto". Thus, this first Fairwork Mexico report comes at a key moment in the legislative debate on the regularisation of platform work, which is likely to take place before the end of 2023. As such, this report also provides a baseline overview of the platform economy's treatment of workers, examining worker conditions before the legislation is put in place, against which future changes in worker conditions can be compared.

In May 2019, the Mexican Senate approved a labour reform process that has opened the door to democratic and independent trade unionism. In addition, the labour chapter of the Treaty between the United Mexican States, the United States of America and Canada (T-MEC), focuses on establishing mechanisms to prevent labour exploitation. The digital labour platform economy has not been left out of this moment of transformation and tension around the construction of the new labour model. As a result, 21 law initiatives to regulate digital labour have been submitted to the Mexican Senate by a large number of representatives, senators, local chambers, and the federal labour authority. These confront, from different perspectives, the challenges of creating labour regulation for digital labour platforms.[16]Although there have been spaces for a tripartite dialogue among platforms, workers and government officials, platforms have not been receptive to recognising the existence of a formal labour relationship.

Faced with the different legislative proposals, in the first half of 2022, several trade unions and digital labour platforms decided to unite and present their position on regularisation. Thus, in August 2022, 21 unions and digital labour platform workers' organisations signed a declaration of joint demands, including: a legal definition of what digital labour platform work is; minimum wages in the sector; employer obligations; policies to combat sexual harassment and gender discrimination in the sector; occupational risks; personal data protection; and joint vehicle registration and liability insurance. This effort, known as the "Minimum Floor Manifesto for Digital Platform Workers", comprises 10 proposals, and was submitted to the Ministry of Labour at the end of August 2022.

It is important to underline that four key points of this manifesto—sexual harassment, gender discrimination, risks at work, and protection of personal data—incorporate a gender perspective. As Inés González, Trade Union and

Gender Dialogue Coordinator Stiftung in Mexicostated in an interview, these issues emerged from working groups made up solely of women workers, where they shared and debated their experiences in order to shape them into labour demands. Had they not met separately from their male colleagues, these concrete gender demands would not have been included in the Minimum Floor Manifesto.

Interviewed in early October 2022, Omar Nacib Estefan, Director General of Social Welfare of the Ministry of Labour and Social Welfare, shared that the Ministry was conducting a dialogue exercise with digital labour platforms, workers and the Mexican Social Security Institute (IMSS) to develop a digital labour platform work reform initiative. According to him, the biggest challenge of the regulation process lies in reconciling three elements: the recognition of the labour relationship, the flexibility inherent to digital labour platform work, and the need to register workers with the Mexican Social Security Institute, establishing a scheme to protect their rights that is adapted to the reality of this labour sector without harming the parties involved. The initiative of the Ministry of Labour and Social Welfare should have been presented to Congress in late October or early November 2022, but this has not happened. However, in November the Ministry organised a consultation round with several workers' collectives on the initiative they were setting up.

In November 2022, two workers' collectives presented to the Ministry of Labour and Social Welfare a proposal for a law that guarantees delivery workers access to social security (when they work for more than 30 hours a week) and decent working conditions, while maintaining the model of flexible work without labour recognition.[17] In other countries, there have also been debates within the collective of digital labour platform workers, between those who fight for labour recognition and union organisation, and those who want to maintain autonomy. These tensions reflect the complexity of legislating for this sector, but also bring to the table the new needs and desires that digital labour platform workers have for how their work is organised and managed.

At the end of January 2023, the head of the Ministry of Labour and Social Welfare, Luisa María Alcalde Luján, stated[18] that the agency had begun talks with companies as well as with workers from various collectives and unions with the aim of presenting a reform to Congress. She also assured that the regulation of work on digital labour platforms is part of this year's labour policy agenda and that, taking into consideration elements of this labour model such as flexibility, the rights of workers in this field have to be protected.

It is clear that the future of work in Mexico is being shaped by the advancement of the digital labour platform economy, artificial intelligence, data and digital goods. This highlights the need for regulatory frameworks that respond to these phenomena and surpass the current legal norm. Mexican labour authorities have made it clear that these forms of employment are here to stay, which is why they cannot continue to ignore the obligation to guarantee labour rights such as social security. According to the legislative year, these authorities will have either until 30 April 2023, or December 2023 to make a decision on the legal initiatives on regulation.

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Fairwork Mexico Scores 2023

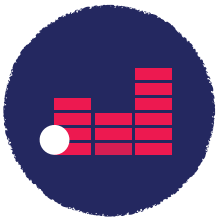
		Minimum standards of fair work
Cabify	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Didi	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Didi Food	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
inDrive	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Jokr	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Mercado Libre	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Rappi	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Uber	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Uber Eats	0/10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS CAN BE SEEN ON

FAIR.WORK/MEXICO

Explaining the scores

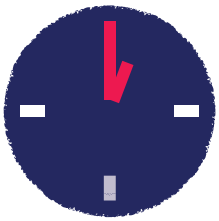
The scores in the Fairwork Mexico 2023 results table highlight the urgency of implementing actions to ensure minimum decent working conditions for all those engaged in the platform economy in the country. Of the nine digital labour platforms analysed, we were unable to award any points to any of the platforms studied. We hope that in the future through a dialogue we establish with the platforms and other key stakeholders in the country, we can work towards improving the working conditions for platform workers.



Fair pay

Although our interviews with workers indicated that, on average, workers earn more than the minimum hourly wage after costs, we were unable to evidence that no worker would earn less than the minimum hourly wage after costs. We were also unable to evidence that any of the nine digital labour platforms could guarantee that workers earn at least the nationally established minimum wage or living wage after labour costs. Therefore, we were unable to award a score to any of the platforms for the Fair Pay principle.

Many workers do earn close to the minimum wage on Jokr, however, we have no evidence that there is a standard policy guaranteeing this level to all workers.



Fair conditions

We could not find sufficient evidence to demonstrate that the digital labour platforms we studied take measures to mitigate work-related health and safety risks or provide a safety net for workers. As a result, we could not award a point to any of the platforms.

Despite these low scores, we believe that several platforms are close to scoring points for principle 2. In particular, we would like to highlight that, based on the interviews, most of the workers stated that Jokr issues them insurance and paid sick leave. However, we were unable to verify that this is a standard policy guaranteed to all workers on the platform in our interactions with platform managers.

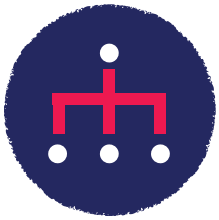
We also found that Cabify provided emergency buttons to its workers and based on worker interviews, most workers said that Cabify provided them with professional training and sanitary kits to protect themselves from COVID-19. However, we were unable to triangulate these findings and confirm that these provisions are available to all workers.

Based on our desk research, we found that Uber, in partnership with the insurer AXXA, created a policy that covers all rides taken by its drivers. Yet many workers interviewed were unfamiliar with any such benefits suggesting that more needs to be done to inform workers of this policy.

Fair contracts

We were unable to award a point on this principle to any of the platforms. The first point is awarded when a platform can evidence clear and accessible terms and conditions that is subject to Mexican laws, and that the workers receive notice of proposed changes within a reasonable period of time before the changes take effect. Following the Fairwork methodology, as we were unable to award any scores for the first threshold of the principle, we were also unable to award a point for the second threshold to the platforms.

In addition, our legal review found that some platform contracts or terms and conditions included clauses that unjustifiably exempt the platforms from liability for working conditions, or clauses that prevent workers from seeking redress for grievances arising from the employment relationship.



Fair management

We were unable to evidence that any of the digital labour platforms we studied demonstrated due process in decisions affecting workers, including low ratings, non-payment, deactivations, fake bookings, or other disciplinary actions. Moreover, worker interviews suggested that some platforms lacked effective communication channels.

In the case of Jokr, it is worth noting that workers were mostly satisfied with their communication channel. This is certainly an encouraging element. However, platform interactions did not confirm that there was an accessible appeals process available to all workers. As we were unable to award a point for the first threshold of the principle, we were also not able to award a point for the second threshold to the platforms we studied, following the Fairwork methodology. Moreover, we were unable to find sufficient evidence that platforms have effective anti-discrimination policies in place, laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform.

We identified that some digital labour platforms, such as DiDi and Uber, had schemes targeting female drivers, offering them the option of having only female passengers in order to keep them safe. However, we were unable to verify how these platforms ensured that only female passengers used these cabs.

Fair representation

We were unable to evidence the existence of a documented mechanism for the expression of the collective voice of workers on any digital labour platforms we studied, or a formal policy indicating the willingness of digital labour platforms to recognise and negotiate with a workers' collective body or trade union.

Our desk research found some evidence that suggests some digital labour platforms collaborate with workers' associations. However, we were unable to verify if these collaborations were communicated to all workers.

PLATFORM IN FOCUS

inDrive: the more services, the greater the need for job security

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 assoc-iation and the expression of collective worker voice	○	Supports democratic governance	○

Total score Fairwork 00/10

inDrive (formerly known as inDriver) is a Siberian-born unicorn, founded in 2013 as a transport services platform and headquartered today in Mountain View, California. Its rise and expansion have been rapid: in 2021, after a $150 million[19] investment round it obtained unicorn company status and now has a presence in 47 countries across the world. In Latin America, inDrive arrived first in Mexico, starting operations in the city of Saltillo, Coahuila state, in 2018.

A distinctive feature of inDrive is its dynamic bargaining system, with drivers and customers negotiating the price of the trip based on a suggestion from the platform. According to the platform the fare is agreed directly and without the mediation of algorithms, which should allow the cost of the trips to be more transparent and fairer, both for those who travel and for those who provide the service.

Some of the workers we interviewed questioned the slogan with which the company promotes this feature—"Travel on your terms"—given that haggling doesn't automatically ensure a fair price. According to one worker we interviewed, the platform should establish a fair payment for the services offered: "In inDrive the customer sets the price, and we can offer a higher price. But normally the client always denies the price we offer, and we have to accept the one they give us even though it is a very unfair payment", he told us.

Another inDrive worker we spoke to sees the negotiation of the rate as an advantage, as it allows him to earn a little more than on other platforms. In addition, he can reject travel requests. However, service requests go to all inDrive workers in the area. "The advantage is that you decide whether to take it and as such they are not forcing you. The downside is that if you don't have anything in your pocket and they don't give it to you, you say 'wow, that's unlucky'. If I'm lucky, they give it to me, and if they don't, they give it to someone else. It's random", he explains. This uncertainty, together with the lack of a minimum wage floor that guarantees fair compensation for travel, raises some concerns.

The bargaining dynamic used by inDrive to distinguish itself in the market is reminiscent of the economic negotiations common in the Mexican context and in many other Latin American and Caribbean countries. However, the scenario in which this dynamic takes place is magnified, accelerated, and automated by the technology employed by digital labour platforms. In the face of amplified competitiveness, the agency that the worker can exercise in the transaction is overestimated. Considering that the digital labour platform has not established parameters[20] to ensure that the worker receives a decent remuneration at the end of this negotiation, the dynamics of bargaining is nothing more than a marketing tool.

Originally known as inDriver, the company became inDrive in 2022, changing from a ride-hailing platform to a platform for urban services, such as plumbing, masonry, removals, home cleaning and pet care. The rebranding was officially announced in Mexico in October 2022. For the occasion, Eduardo Abud, Director of Public Relations for Latin America, explained that inDriver stands for "Independent Drivers" and InDrive (the new name) stands for "Inner Drive", i.e., the inner drive of each person.[21]

The research and worker interviews we conducted for this report found that between August and September 2022, the company was already operating as a service platform in Mexico. Among the services mentioned by interviewees were plumbing work, appliance repairs, and removals. Given this wide range of tasks, it's striking that the company doesn't offer any kind of insurance to its workers, as workers reported to us in interviews; nor is any insurance mentioned in the platform's Terms and Conditions. Several workers we interviewed said that inDrive doesn't provide them with insurance and road safety equipment, and that they have felt unsafe at times working for the platform.

SEVERAL WORKERS WE INTERVIEWED SAID THAT INDRIVE DOESN'T PROVIDE THEM WITH INSURANCE AND ROAD SAFETY EQUIPMENT, AND THAT THEY HAVE FELT UNSAFE AT TIMES WORKING FOR THE PLATFORM.

On its social media, inDrive promotes itself as "the most human mobility app", highlighting the benefits it offers its drivers, including freedom to choose which trips and passengers to take, instant payments, and the ability to see the destination before accepting a request. On its website, inDrive also provides brief descriptions of some safety-related features, such as user verification, warnings about

dangerous destinations, visibility of the destination point, etc. However, a number of workers we spoke to emphasised that the platform should nevertheless provide them with safer working conditions.

One interviewee mentioned glitches in the app's geolocation system which makes it impossible to follow the journey on the map: "In other apps you normally see where you are going on the line, and inDriver you don't. You have to be looking for the route yourself".

Although he is happy working on inDrive, the interviewee went on to say that he would like the platform to have a direct phone number where workers can get help from a person, rather than just an automated service. Now that the platform has expanded into new sectors and services, it's crucial that the risks workers face should be adequately addressed.

Lorenza Ochoa / Shutterstock

WORKERS' STORIES

Insecurity in Mexico City Digital Labour Platform Work

Gustavo, ride-hailing driver*

Gustavo is 38 years old and has been working as a ride-hailing driver for about five years. During the 12 hours he works every day, seven days a week, he travels through every part of Mexico City. Gustavo previously worked in a stationery shop but decided to join the platform to earn a better income. Although what he earns from platform work is not enough to live on in Mexico City, Gustavo says he can at least cover his rent and personal expenses.

In the five years he has worked for the platform, Gustavo has been mugged twice. Fortunately, he was not hurt—"it was just a scare", he says. The assailants took his belongings: a jacket, his tennis shoes, his phone, and the little money he had in cash. The company did not reimburse him for these losses. In the business model of digital labour platforms, it is the workers who bear the costs of production and their tools of work; assaults like the one Gustavo faced mean losing the tools of work and having to stop their platform work until they can replace these tools.

Gustavo believes that, over time, safety conditions have improved on the platform, both for drivers and users. However, he would like the platform not to ignore drivers' suggestions. As he says: "They have communication channels and everything, it would just be to really listen to the needs of the workers and maybe tell us that they can insure us with IMSS (social security), which is what the drivers demand the most."

Sandra*, ride-hailing driver*

Sandra is 36 years old and started working as a driver for a ride-hailing platform more than three years ago. However, her experience as a driver goes back a long way. Before working for this digital labour platform, she owned and drove a taxi. With the arrival of digital labour platforms, the taxi sector reduced and Sandra's income started to decrease drastically. She now works more than 50 hours a week. She is the sole provider for her family and her platform work is her only source of income.

She says that the work affects her health, especially because of the long hours, and being "exposed to driving, to customers, to robberies". Sandra knows what she is talking about, as she once suffered an armed robbery while working. That time they took her belongings and physically hurt her. From her point of view, the platform should provide security measures focused on preventing robberies and assaults, for example by implementing more filters to control the customers who sign up on the platform.

According to the National Urban Public Safety Survey (ENSU) around two-thirds of the adult population in Mexico consider their city unsafe, representing 70.5 percent of women and 57.2 percent of men.[22]This reflects the high level of insecurity in the country.

Insecurity is not limited to crime, but also includes considerations such as road safety. Around 44 Mexicans die a day in traffic accidents. Motorcyclists, cyclists, and pedestrians are most likely to be involved in fatal accidents, representing 65 percent of the 16,000 annual deaths.[23] The risk is no different in platform work. Collectives of digital labour platform workers worldwide have positioned the issue of traffic accidents with slogans such as "in your order goes my life", "not one less delivery driver", "my life is not worth a dollar".[24] In the Mexican case this is critical: by September 2022, 285 delivery riders[25] had lost their lives while working, as a result of assaults or road accidents.[26]

Julio*, delivery worker*

Julio is 28 years old and has been delivering on a motorbike for three years. He prefers to work in the west of Mexico City and especially during the weekend, when there are more orders. He previously worked as a security guard but his income wasn't enough for his needs, so he decided to try his chance in platform work. However, he has to work on multiple platforms in order to earn enough income to cover his monthly expenses.

Julio thinks that platforms should offer protective equipment and better monitoring for drivers taking orders to the "red zones" of the city, the so-called more dangerous parts of the city. But above all, he thinks they should provide drivers with insurance, since working on the street means being vulnerable to being hit or run over by a car. Without insurance, he says, the worker is put at greater risk—even to the point of losing his or her life.

Julio remembers a protest he took part in a couple of years ago. A fellow delivery driver who was a cyclist had lost his life at work, and collectives of delivery drivers organised a peaceful blockade of several of the capital's main avenues. "It was because they ran over a colleague and the [platform] does not even take responsibility, they just wash their hands of it. And the person who drove the car at him didn't take responsibility either," Julio told us. He believes that since that demonstration there has been more unity among the delivery riders from different platforms.

THEME IN FOCUS

The Issues Faced by Women Platform Workers

Among the many issues raised the platform economy, the impact on gender is an area that has been little explored in the region, and yet which has urgent implications. Women workers on delivery and ride-hailing platforms—in addition to facing unfair working conditions—have reported several serious issues, including not having maternity and breastfeeding leave, working while pregnant without any accident insurance, algorithmic discrimination that results in fewer gigs and lower pay rates because they are women, as well as contending with double workloads of paid productive work and unpaid care work in the home.

Many women platform workers also report facing constant sexual harassment from staff of affiliated establishments, during their working hours on public roads, and by service users. Private spaces in particular can carry significant risks, and there are multiple testimonies of women delivery workers who have been confronted with requests for sexual acts when making home deliveries. While some of them turn to the platform's support system or give a thumbs down to abusive customers, the anti-harassment protocols of the platforms and how they monitor these, are still unclear.[27]

Sexual harassment by customers

Delays by platforms to intervene in emergency situations, or worse, provide no support at all, affects women workers disproportionately. This not only aggravates a feeling of insecurity, and mental and emotional stress, but allows various forms of gender-based violence to become normalised in platform work. Maria is 25 years old and has been working as a delivery rider for four years. She is a single mother and decided to start platform work as a way to earn a higher income and have more flexible working hours. In an interview, Maria told us that delivery workers are often forced to submit to customer demands in order to avoid negative feedback, even at the cost of putting themselves in danger. This, she told us, is largely due to platform's preferential treatment of the customers over delivery workers:

Once a client forced me to go up to his place. The building was very ugly, there was no doorman or anything. In order not to get a bad rating, I went

upstairs, and the client was very strange: he told me to give him a kiss, that he was asking me out, and so on and so forth. The only thing I did was to hand him his order and run downstairs. That incident was awful, because it had never happened to me before and, yes, it was scary. I reported it to the [platform] and held on waiting for a reply. As they often take a long time from support, then you just write it off and that's it. But not this time: I sent messages and explained the situation. They told me that they were going to take action on the matter, that they were going to cancel the man's account. I didn't know if they actually did or not.

According to Fernanda, a 30-year-old delivery woman working in Mexico City, one of the safety measures that digital labour platforms should implement concerns protecting the data of delivery drivers. This could help reduce the vulnerability of female workers, she told us:

Imagine: it's 8 o'clock at night, some guys are drinking in a flat and they place an order, and they realise on the platform that it's a woman who is going to deliver it. What if they are sexual predators? We're giving them time to think about what they can do or how they can that woman, right? That's why we're asking for our data to be protected: that the app doesn't handle the name of the delivery person, but an ID number. For example, something like 'delivery person 74 is going to deliver your order', so you won't know it's a woman or a man until he arrives at your house.

Helping each other cope with occupational hazards

Ana is 39 years old and works as a driver in Merida, capital of the state of Yucatan in southern Mexico. She has been working as a driver for five years. In our interview, Ana pointed out that communication with platforms is not always very efficient. Long waiting times, call interruptions, and multiple transfers to different support areas make the work more cumbersome and increase stress in risky contexts. Given the poor safety measures of the digital labour platforms, many drivers in Mexico look out for each other, either through radio communication or WhatsApp groups. In addition to being in a mixed chat, Ana belongs to Círculo Violeta, a WhatsApp group for female drivers:

We had a mixed group, but it is well known that men's communication is a little bit too loud, so we women don't feel comfortable with the comments they make. That's how the Violet Circle came about, we are about 90 women drivers. We created this group to support each other: it doesn't isolate us from the men, we just have a more assertive group.

Through Círculo Violeta, the drivers collect useful information in case of an emergency: each worker's photo, badge number, contacts of family or friends, blood type, etc. In addition, they notify the group when they connect and disconnect from the digital labour platform and monitor workers by tracking their location in real time so that they can react to dangerous situations. As Ana emphasised to us in her interview, the machismo and misogyny that characterise the social environment is also reflected in work dynamics, making it difficult for women to advance in this sector:

Yucatán is a very sexist and misogynist state, unfortunately we have many femicides. Although we have the same skills as men to work as drivers, it is a little more difficult for us to advance in this area of work. [...] It should not be forgotten that on the platforms there are also women working to meet the needs of our household. And it is a dignified job, in which we should be respected and valued like any other person.

In this sense, Círculo Violeta also functions as a safe space in which to seek support and listening when faced with psychologically damaging work episodes. In this regard, Ana shared the experience of one of her colleagues who was insulted by a male client who, convinced that the worker was driving 'too slowly', told her that she was inept, useless, that she had to change jobs and finally did not pay her for the service:

The colleague spoke to us. But when we arrived, the client was gone. She was crying, it obviously hurt her self-esteem, didn't it? The colleague told us: "I don't cry so much for this man, I cry out of impotence... because he sees me as a woman and thinks I can't defend myself, that's the way he treats me. We deserve a chance, and we deserve to be respected."

In our research, we found out that some digital labour platforms are increasing their efforts to ensure a safer working environment for their workers. In October 2022, Rappi announced a new emergency button to assist female

delivery workers in the face of street harassment. While the initiative seems quite promising, we have not been able to verify how it is being implemented and whether all women workers are able to benefit from it.

Similarly, Uber offers a "Passenger Preference Option", which allows drivers who consider themselves female or of a non-binary gender to set a preference for picking up female passengers. It is unclear how Uber verifies that the passengers using this option are female. If correctly implemented, this measure might ensure greater safety, but it effectively leads to another form of gender discrimination: economic. On its website, the company makes this clear, stating that "you may receive fewer rides if you activate this option."[28] Didi has a similar initiative: "Didi Woman" which also allows passengers and rides to make rides female-only.

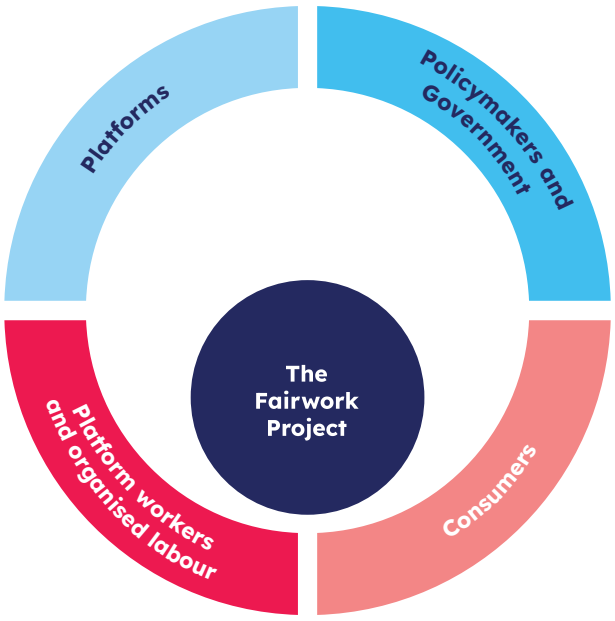
Thus, in the face of the discrimination and violence faced by women platform workers, a support and companionship network such as Círculo Violenta becomes fundamental to sustain and protect themselves. In highly masculinised sectors such as delivery and ride-hailing,[29] this solidarity between women is very powerful and worthy of mention. This is visible through chat rooms and groups on social networks, in which women workers support each other and collectively respond to any needs that are not met by the platforms, the government, or society as a whole. The presence of such groups does not take away the need for platforms and the government to address their concerns, but rather points to an immediate need for these to be dealt with.

Ulises Vidal

Pathways of Change

Fairwork's theory of change is based on a humanist belief in the power of empathy and knowledge. If they have the financial means to choose, many consumers will be discerning about the services of the digital labour platforms they use. Our annual ratings give consumers the possibility to choose the best rated digital labour platform operating in a sector, thus helping to put pressure on digital labour platforms to improve their working conditions and ratings. 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 purchasing, investment and partnership policies of large organisations. They can serve as a benchmark for institutions and companies that want to ensure they support fair labour practices.

Figure 2: Fairwork's pathways of change



This first annual round of Fairwork's scoring for Mexico comes at a specific juncture: during the debate on the legal regularisation of digital labour platform work. In this sense, we see clearer paths of action from the legislative side and from workers than from digital labour platform companies (Figure 1).

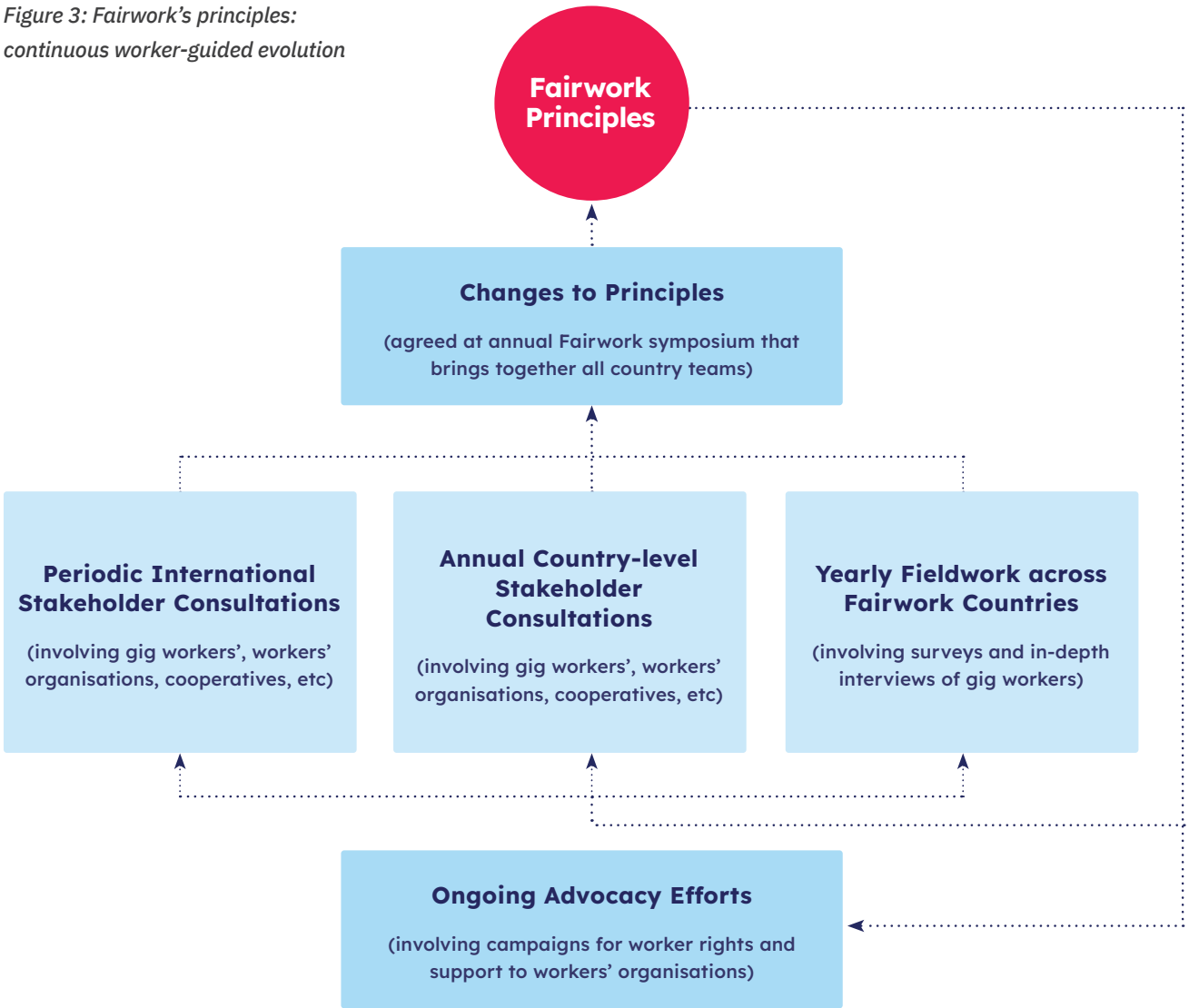
Firstly, the legislative bodies of the Mexican government have shown an interest in generating responses that guarantee platform workers' labour rights. During the tripartite processes for the consideration of legislation text, state institutions have sought to listen to the voice of working people—something that we consider to be a positive step.

Secondly, and the most valuable avenue of engagement for Fairwork México, are labour organisations and working people. There are organised groups of workers at the national level and unions that are gaining more legitimacy.

In addition, with the efforts of the Minimum Floor Manifesto, an effort has been made to consolidate a movement of digital labour platform workers in the country. We find it very encouraging that more and more groups are seeking fundamental transformations for work in this area of the digital labour platform economy. We also believe that unity is strength and that workers can drive significant changes in the work of digital labour platforms.

The area of consumption has not been much explored or worked on in Mexico. We believe that studies such as Fairwork could support the creation of specific campaigns for those who use these digital labour platforms every day. We hope that our work, by highlighting the contours of the current platform economy in the country, offers a clearer picture of what future paths are needed to guarantee fair working conditions for workers.

Figure 3: Fairwork's principles: continuous worker-guided evolution



The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work. Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting the best labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company materials.

The pledge constitutes two levels:

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

A second level of 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.

MORE INFORMATION ON THE PLEDGE, AND HOW TO SIGN UP, IS AVAILABLE AT

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"[30]. 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"[31]. 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[32].

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, and subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

How does the scoring system work?

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

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

A digital labour 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 August 2021 and August 2022, and are valid until August 2023.

Table 1 Fairwork: Scoring System

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 assoc-iation and the expression of collective worker voice	○ Supports democratic governance	○

Maximum possible Fairwork Score Fairwork 10/10

Principle 1: Fair Pay

1.1 Ensures workers earn at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle[33]. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage[34]. Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, which are also considered active hours[35]. To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage

The platform takes appropriate steps to ensure:

- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs[36].

1.2 Ensures workers earn at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below local living wage.

The platform takes appropriate steps to ensure:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs[37] [38].

Principle 2: Fair Conditions

2.1 Mitigates task-specific risks (one point)

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

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks [39].
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

2.2 – Provides a safety net (one additional point)

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

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to ensure that workers are compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.

Principle 3: Fair Contracts

3.1 Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers[40]. To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.
- Every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

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

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

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

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

Principle 4: Fair Management

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

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

The platform must satisfy ALL of the following:

- There is a channel for workers to communicate with a human representative of the platform. This channel is documented in a contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- There is a process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface[41].

In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.

Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

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

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

Platforms must satisfy ALL of the following:

- There is a policy which ensures the platform does not discriminate on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, disability, religion or belief, age or any other status.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or

remuneration, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.

- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

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

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

However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice. Whether or not platforms set the terms on which workers are retained by service users, platforms must demonstrate that they have taken appropriate steps to ensure that workers are informed of their rights (and have mechanisms in place to help protect those rights) and that workers are directed to appropriate collective bodies or trade unions.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union, that is clearly communicated to all workers [42].
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform[43].

5.2 Supports democratic governance (one additional point)

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

The platform must satisfy at least ONE of the following:

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

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A COLLABORATION BETWEEN

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ENDNOTES

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33 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.

34 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.

35 In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs. These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.

36 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.

37 Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.

38 n order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.

39 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."

40 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.

41 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.

42 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."

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

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