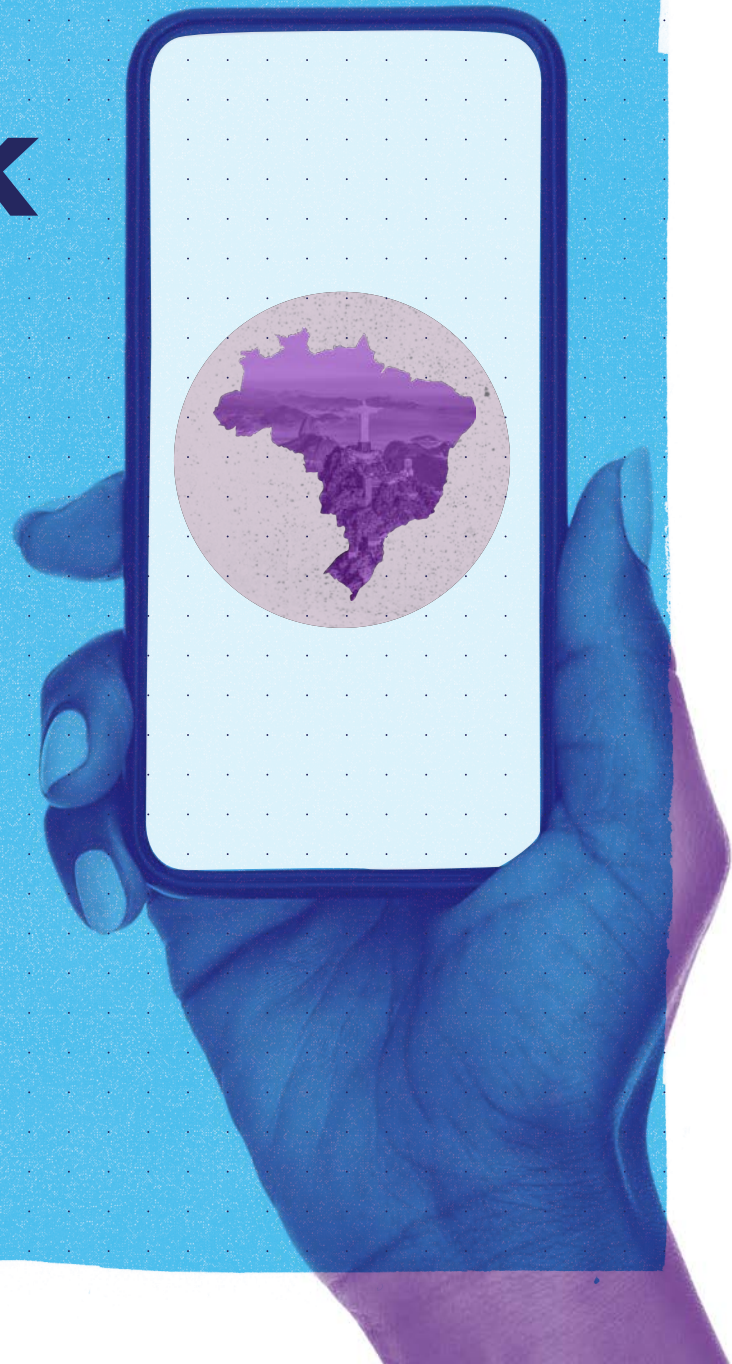


Fairwork

**STILL PURSUING DECENT WORK  
IN THE PLATFORM ECONOMY**

# Fairwork Brazil Ratings 2023





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# Executive Summary

**This second Fairwork Brazil report continues to analyze how the country's main digital labor platforms relate to decent work principles, in a context of growing disputes and struggles over the regulation of platform labor. In Brazil, the increasing platformisation of labor has been among the main topics of public debate, central to discussions between policymakers, governments, workers and companies. This report evaluates 10 platforms from varied sectors, and shows that there is still much to do in terms of decent work in the country, with many workers continuing to face unfair working conditions and a lack of social protections.**

The context over the past year has involved some changes in the platform economy – including the purchase of the Brazilian platform iFood by a foreign company – and a lot of continuities from the workers' side, especially in terms of working conditions, particularly in terms of safety and health. With the changes in the Brazilian government since the election of Lula for his third presidential term, a working group has been initiated to discuss the regulation of platform labor in the country, with representatives from companies, workers and governments. There are disputes around the meaning and direction of the regulation, as well as a strong lobby from the platforms, which has been a constant over the last year. Indeed, platforms and their partners have been implicated in everything from distorted data in contracted research<sup>1</sup> to attempts to dispute the notion of “decent work” (see: Theme in Focus). There have even been allegations of platforms hiring a PR agency<sup>2</sup> to create fake profiles of workers, as anti-union acts. This generated a request by the Labor Prosecution Office<sup>3</sup> in relation to the companies involved. The adjustment requires companies to fulfill real social responsibility.

Still, there have been some improvements on some platforms, especially in terms of fair pay and fair management, compared to the Fairwork Brazil

report published in 2022.<sup>4</sup> However, no platform scored on the principles of fair conditions and fair representation – which is an additional warning sign for the platform economy in the country. In addition, some platforms that scored in the previous report did not score in this one.

Of the 10 platforms assessed against the Fairwork principles – fair pay, fair conditions, fair contracts, fair management and fair representation – only three scored at least one point. The platforms evaluated in this report are: 99, Americanas Entrega Flash, AppJusto, GetNinjas, iFood, Lalamove, Loggi, Parafuzo, Rappi and Uber. They present different business models and sectors of operation – we would emphasise that platforms must guarantee decent work regardless of their operating model.

AppJusto – a local platform from São Paulo – leads the table with three points out of 10, with iFood in second place with two points (the same as last round), and Parafuzo in third place with one point. None of the other platforms scored a point. According to our methodology, we only award points to platforms when they provide clear verifiable evidence that they meet the principle against all required thresholds (see: Appendix).

# Key Findings



## FAIR PAY

**Two platforms – AppJusto and Parafuzo – were awarded one point, based on evidence at all stages of the research that they guarantee that all workers earn at least the minimum wage, namely six Brazilian reais per hour, and that all payments are delivered on time and in full.**

When evaluating the minimum wage item, our scores considered not only the amount paid to the worker for the hours worked, but also the costs related to the work. Regarding the living wage (R\$30.22 per hour, according to DIEESE – the most trustworthy index in Brazil), the research did not find evidence that any of the platforms meet the requirement.



## FAIR CONDITIONS

**The research did not find sufficient evidence that any of the platforms meet this principle. While some changes are underway across the platforms, including the provision of insurance, they have not been able to effectively demonstrate the provision of adequate equipment and training to protect the health and safety of all workers.**

Furthermore, there was no clear evidence that platforms design processes with occupational health and safety in mind. There was also no clear evidence that platforms take significant steps to ensure a safety net that meets the criteria for the second point of this principle.





## FAIR CONTRACTS

**Two platforms – AppJusto and iFood – achieved a point, based on evidence that they have clear, transparent and accessible terms and conditions, fulfilling all the thresholds for the first point of this principle.**

The two platforms also promoted changes in their contracts following engagement with Fairwork. However, there is no evidence that any of the platforms are able to assure that no unfair terms have been included in contracts, according to Fairwork's thresholds for this point.



## FAIR MANAGEMENT

**Two platforms – AppJusto and iFood – scored a point, given research evidence that there is an effective system for due process of decisions affecting workers, and a documented process for workers to significantly appeal low ratings, penalties and other disciplinary actions.**

While there were changes in favor of fair management undertaken in the platforms following engagement with Fairwork, none of the platforms met all the thresholds in relation to the second point of this principle, which involves equity in the management process.



## FAIR REPRESENTATION

**There was no clear evidence that any of the platforms ensure freedom of association and the expression of the worker's voice, and no evidence that the platforms support democratic governance. Thus no platforms were awarded points for this principle.**



# Editorial

**Is it possible to guarantee decent work in the platform economy in Brazil? The first Fairwork report in the country, published in March 2022, highlighted the difficulty in complying with basic principles relating to pay, conditions, contracts, management and representation. Since then, other Latin American countries have seen some local platforms score above five points, such as AseoYa<sup>5</sup> in Colombia and Asoclim<sup>6</sup> in Ecuador – both domestic work platforms.**

This report presents the results of the second Fairwork research cycle in Brazil, with analysis undertaken of 10 platforms – 99, Americanas Entrega Flash, AppJusto, GetNinjas, iFood, Lalamove, Loggi, Parafuzo, Rappi and Uber. They have different business models and sectors of activity, but regardless of the model, platforms must value the guarantee of decent work principles. The companies were evaluated according to the Fairwork principles regarding fair pay, fair conditions, fair contracts, fair management and fair representation, based on a method that involves desk research, interviews with workers and meetings with platform managers. It should be noted that the principles were updated in 2022<sup>7</sup> based on conversations with teams from all countries involved in the research and relevant stakeholders interested in the topic. It also means ensuring that the principles are adequate both for assessing today's platform economy and foreshadowing what it might look like tomorrow.

The results indicate that little has changed in the platform work scenario in the country and much still needs to be done to reach minimum parameters of decent work. Most platforms did not score on any principle. Only three of the 10 platforms scored at least one point – AppJusto, iFood and Parafuzo. AppJusto is the leader of the table, with three points scored out of 10. The low scores demonstrate that many changes still need to be made – for example, no platform scored points for fair conditions and fair representation. But it is worth noting that App Justo, a local platform founded two years ago, already

developed above its competitors in terms of decent work.

On the positive side, some platforms have committed to changing their practices and policies in accordance with the Fairwork principles, following engagement with the project. In some cases, changes contributed to the awarding of a point for a given principle, while in other cases – especially policies that are still in development – they were as yet insufficient for scoring at this time.

The report also highlights the platforms' lobbying power, with platforms relentlessly attempting to convince public opinion of their point of view, often in a subtle way or as a “washing” – that is, an attempt to clean up their image. This is a wake-up call that civil society, policy makers, the press and researchers need to be more aware of the nuances of platform power. This even means that there is a dispute around decent work. For example, there are organisations that claim to defend “decent work”, but advocate principles that are watered-down in comparison to those advocated by Fairwork.

This also needs to be read, in the Brazilian case, in light of the struggles and disputes surrounding the regulation of platform labor – a relevant aspect also addressed by this report. The creation of a working group by the new federal government bringing together companies, workers and the government to discuss regulation parameters has intensified external and internal disputes – between the same sector – about what would be the necessary





regulation to guarantee decent work in the country. We argue that the Fairwork principles can be useful as a first step towards building public policies for the issue. The project remains open to social dialogue with all stakeholders in order to build a future of work that really has the people who do the work at the center of the discussion.

This second round of Fairwork Brazil research was conducted by a research team led by the University of São Paulo, Federal University of Rio de Janeiro, Federal

University of Rio Grande do Sul, Federal Technological University of Paraná and University of Toronto. This team thanks everyone involved in the research, and continues to look for decent labor in the platform economy in Brazil.

**APPJUSTO, A LOCAL PLATFORM  
FOUNDED TWO YEARS AGO, ALREADY  
DEVELOPED ABOVE ITS COMPETITORS  
IN TERMS OF DECENT WORK**



# **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

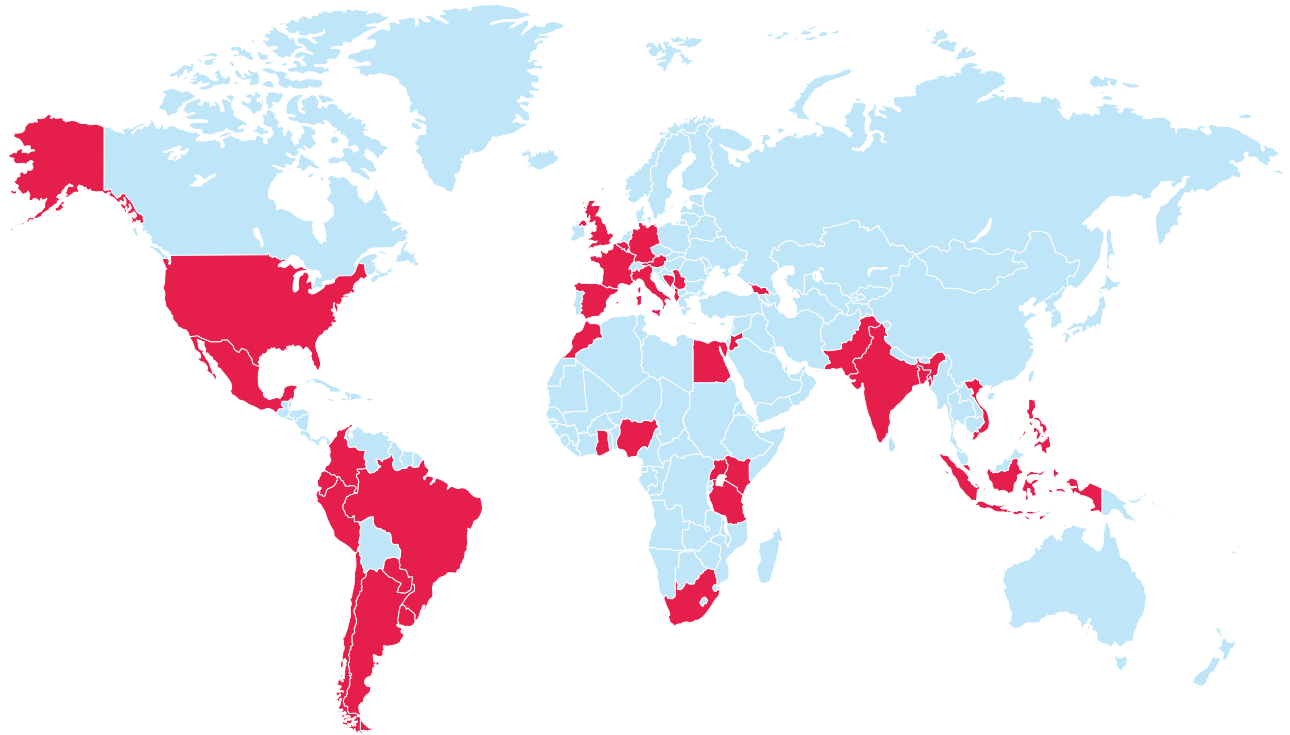


Figure 1. Map of Fairwork countries.

## 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

**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 Brazilian context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.



## 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 (in Brazil, calculated by DIEESE).



### 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, online and offline, with a snowball strategy. In all these strategies, informed consent was established. The interviews were semi-structured and used a series of questions relating to the 10 (sub)principles of Fairwork. In order to qualify for the interviews, workers had to be over 18 and have worked with the platform for more than two months. 96 interviews were conducted with workers in 38 Brazilian cities. All interviews were conducted in Portuguese.

## 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.

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





## BACKGROUND

# Changes and Permanences in the Brazilian Platform Economy

**In Brazil, there are still no reliable numbers on how many people work through digital labor platforms. According to the Brazilian Institute of Applied Economic Research (IPEA), there are around 1.5 million couriers and drivers in the country.<sup>8</sup> But there is still no solid quantitative data and it is also not known how many people work in other types of activities.**

There are 9.4 million unemployed in Brazil and around 3.9 million are “discouraged”<sup>9</sup> (Continuous National Household Sample Survey – Continuous PNAD, IBGE, 2023). This reserve workforce army contributes to lowering the quality of bonds, contracts and working conditions in the country. This favors the market’s game in reducing the quality of available jobs and leads millions of people to submit to any work relationship to guarantee a minimum of subsistence.

The public policies needed to provide some support to families with an income below the national minimum wage<sup>10</sup> suffered discontinuity, reduction or misalignment of their objectives in the federal government period between 2019–2022. The current government of Luiz Inacio Lula da Silva has a proposal to increase by R\$ 18 million the resources destined to this segment of the population.<sup>11</sup>

Public policies aimed at formalising employment relationships and effective supervision by the State

can contribute to an increase in the number of formal jobs. According to Oliveira and Luna (2021, p.8) “in the period between 2002 and 2014, 20.9 million additional jobs were created in the country (an average of 1.74 million per year)”. Even in a scenario marked by the international crisis of 2008, and reaching Brazil in mid-2014, the effective action of public policies can contribute to the contractual quality between labor and capital. This type of action by the State showed its importance for improving the living conditions of the Brazilian population in that period.

**THERE ARE AROUND 1.5 MILLION COURIERS AND DRIVERS IN THE COUNTRY**

The political changes that took place in the country, starting with the impeachment of President Dilma Rousseff (Workers’ Party - PT) in 2016, had an impact on reducing the State’s action in monitoring, regulating and supervising

labor relations. The changes in the Brazilian Labor Law were the first measures taken by the government of then President Michel Temer (Brazilian Democratic Movement Party - MDB).<sup>12</sup> The dismantling of the Ministry of Labor and Labor Justice took place in the following years.<sup>13</sup> The government of Jair Bolsonaro (Partido Social Liberal – PSL) acted mainly in the deregulation and disruption of state bodies that act in the mediation of public and private interests in the economy. In addition to disinformation and misogynistic discourse, encouraging weapons, violence and deforestation, the policies implemented in the Bolsonaro government, by the then Economy Minister Paulo Guedes, deepened the financialisation of the Brazilian economy, with the State taking on the role of guarantor of this capital.

Job quality and wage levels, particularly the minimum wage,<sup>14</sup> have deteriorated over the last eight years. According to the Inter-Union Department of Statistics and Socioeconomic Studies (DIEESE),<sup>15</sup> in 2023, “60.3 million people have an income referenced to the minimum wage.” These aspects pose immense challenges to us in relation to the objectives of decent work in the context of digital platforms. Since the publication of the last Fairwork Brazil report, workers and companies have experienced only a few changes.

### The situation of workers

The everyday lives of platform workers have much in common between them, although their activity profiles are quite different depending on sector. These work activities are characterised by professional deskilling, fragmentation of tasks, individualisation, and disruption of relations between workers and their associative organisations of representation, such as trade unions and associations.

Platform companies have mechanisms to rationalise the labor process and submit workers to control and data capture. The rationalisation of the work process is structured around the logic of task fragmentation, spreading and reconcentrating information and deskilling. It is a network effect, that is, distribution with concentrated return.<sup>16</sup> Gamification<sup>17</sup> is one of the strategies used to intensify work. Promotions<sup>18</sup> and prizes, are elements that accelerate the pace of activity, encourage workers to work longer hours and, above all, contribute to the loss of control over hours actually paid.

Working 60 to 80 hours a week is a reality for platform workers.<sup>19</sup> Earnings below the minimum wage after the

costs of working, tend to be the rule. A lack of social security, without payment into the National Institute of Social Security (INSS) or other resources to care for the health of workers, has become normal. According to the results of the Continuous National Household Sample Survey (Continuous PNAD), for the third quarter of 2022, “only 23% of workers in the Gig Economy in the transport sector contribute to social security”.<sup>20</sup> There is no support for individual safety equipment, there is no insurance against risks and in times of illness. The number of cases of traffic accidents involving motorcyclists and cyclists is so significant that the Report of the Parliamentary Commission of Inquiry (CPI)<sup>21</sup> of the APP of the City Council of São Paulo, between 2021 and 2022, recorded that “about 70% of seriously ill patients at the Institute of Orthopedics and Traumatology of the Hospital das Clínicas of the University of São Paulo (USP) are currently platform workers”.<sup>22</sup> Emotional illnesses are the other side of stress and overwork without guarantees of salary, security and other rights enshrined in Brazilian legislation.

## WORKING 60 TO 80 HOURS A WEEK IS A REALITY FOR PLATFORM WORKERS

### Situation of platform companies

In global terms, according to a report by the Global Interconnection Index 2023, “with the return to pre-pandemic growth rates, companies will be showing the greatest growth acceleration in 2024 and 2025”.<sup>23</sup> The sectors of commerce and digital services follow this growth projection. The years of the Covid-19 pandemic also allowed for the expansion of services by platforms: transport, commerce and food were at the forefront of this growth.<sup>24</sup>

Uber, for example, disclosed, in the first quarter of 2023, that at the global level the “company’s revenue was US\$ 8.8 billion, an increase of 29% compared to the same period of 2022.”<sup>25</sup> This growth exceeded Wall Street expectations and, according to analysts, the company will continue with “healthy growth”, as “the supply of drivers seems stable”, and the company benefits from the return to offices, a post-pandemic trend.<sup>26</sup>

iFood – the main Brazilian delivery platform – also achieved excellent results in 2022. The company generated revenue of US \$991 million, up 30% compared to the previous



period. Following these results, the company was sold to the Dutch company Prosus, a subsidiary of the Naspers group, from South Africa, and controller of Movile. The good results are attributed to the company's expansion, which today has 40 million consumers, 330,000 establishments registered as partners, and 200,000 couriers, who handle 70 million monthly orders. The recent acquisition boosted iFood's market valuation to US\$1.4 billion.<sup>27</sup>

GetNinjas, a general services platform, achieved better results in 2022. According to a report on the Mercado & Consumo website, the company's balance sheet recorded an 89% improvement compared to 2021. According to Eduardo L'Hotellier, CEO of the company, high interest rates favor the company that has "financial investments that benefit most from higher rates."<sup>28</sup>

In turn, Lalamove, a Chinese company that arrived in Brazil in 2019, grew by 370% in 2021 compared to the first half of 2020.<sup>29</sup> The company operates in 20 countries and has around seven million users worldwide. In 2022, the data indicated a 200% increase in the results of Lalamove operations in 17 Brazilian cities.<sup>30</sup>

Americanas Entrega Flash is a delivery application and is part of the Americanas group. The Americanas group claimed bankruptcy and entered into judicial recovery at

the beginning of 2023. The company's debts<sup>31</sup> exceed USD\$8.59 billion and the company is accused of an accounting inconsistency of USD\$4 billion. The Americanas group owes USD\$13.50 million related to labor debt, and USD\$22.80 million to micro and small companies, among others.<sup>32</sup>

AppJusto was created as an attempt to respond to the crisis of home delivery conditions in the context of the Covid-19 pandemic. The first investments were US\$72.94<sup>33</sup> in September 2020. The launch of the platform in São Paulo officially took place in August 2021. In 2022, the company raised USD\$380,000 from 939 investors.<sup>34</sup> The startup was conceived by six partners and has around 2700 couriers (data from June 2022).<sup>35</sup>

These are some examples of the business results of the companies that we included in this Fairwork Brazil scoring round. In general, the scenario for platform companies is promising. However, it is still important to urgently adopt rules that allow workers to enjoy, at least, decent working conditions – something that the Fairwork project has pressured the platforms to do.



## THE LEGAL CONTEXT

# Platform Labor Regulation in Brazil

The expansion of companies that operate through digital labour platforms to offer services related to care work for people and homes (care for children, the elderly and sick people; services such as cleaning, ironing, cooking, etc.) has been observed around the world. According to data from the International Labor Organisation (ILO),<sup>36</sup> the use of digital platforms for hiring workers and care workers has increased in the United States, Europe, the Middle East, India, Mexico and South Africa. It is also possible to verify this growth in Latin American countries, such as Brazil.<sup>37</sup>

The legal situation in Brazil of platform workers is controversial. There is no dedicated regulation, and workers are considered by companies to be self-employed. Thus, the only way to recognise labor rights is through the filing of lawsuits in the Labor Court.

The Labor Court, in turn, has given contradictory positions in all legal dimensions. In the Superior Labor Court, there are three court departments who recognise the status of employees – and, consequently, all labor rights – and three groups who claim that platform workers are self-employed, denying them all rights. In addition, companies carry out the practice, as the courts have already noted, of manipulating jurisprudence through agreements with workers,<sup>38</sup> paying them amounts without recognition of the status of employees, when they perceive that there is a tendency for judges to judge in favor of workers, preventing the creation of contrary precedents.

During the Covid-19 pandemic, in January 2022, a law was passed that brought some protections to delivery platform workers in relation to the disease. There was a lot of criticism<sup>39</sup> for the delay in approving the bill, which was

presented in the Brazilian Congress in April 2020 and became law at the end of the pandemic. Several other bills are pending in the Brazilian Congress to regulate platform labor, from some that exclude workers from any rights, to others that create intermediate categories with fewer rights, and a few that seek express recognition of the existence of an employment relationship.

In the 2022 presidential campaign, Luiz Inácio Lula da Silva proposed regulating labor relations carried out by digital platforms. This is part of item 13 of the government program presented to the Electoral Court.<sup>40</sup> It proposed, “from a broad debate and negotiation, a new labor legislation of extensive social protection to all forms of occupation, employment and work relationship, with special attention to the self-employed, to the self-employed workers, domestic workers, telecommuting and home office workers, mediated by applications and platforms, revoking the regressive frameworks of the current labor legislation,, aggravated by the last reform, and restoring free access to labor justice.”



On January 1, 2023, the Minister of Labor sworn in, the unionist Luiz Marinho, presented as the main tasks of the area the appreciation of the minimum wage and the regulation of work for digital platforms, in order to guarantee “civilized standards” for the use of this medium provision of services, “especially considering issues related to health, safety and social protection.”<sup>41</sup>

At the same time, in the same month of January, a Forum was created by researchers who conduct scientific work in the most diverse areas of knowledge in relation to platform workers, bringing together around 50 researchers. The purpose of its creation was to contribute to the process of regulating platform work in Brazil. The group’s first work was the preparation and publication of a manifesto on the regulation of labor controlled by “digital platforms”, in order to guarantee the rights of workers in Brazil. The manifesto proposes, in short, the recognition of the condition of employee acknowledgment as a starting point and public regulation as a way of mitigating power inequality, in addition to protecting personal data and transparency of automated systems and encouraging the development of public platforms and of cooperatives.<sup>42</sup> The manifesto has been signed by around 400 researchers and research centers. Fairwork Brazil researchers participate in the discussions of this group.











On May 1st, Workers’ Day, President Lula created a Working Group to discuss the regulation of platform labour.<sup>43</sup> The initial forecast is that the group will present its conclusions within 150 days, with the aim of “formulating proposals for technological platforms; and II – normative acts necessary for the implementation of the activity of providing services, transportation of goods, personnel and other activities carried out through technological platforms.”<sup>44</sup> The group has a tripartite composition, with representatives from various areas of government, workers and employers.<sup>45</sup> There were some previous meetings of the collectives represented in the Working Group, as well as a joint seminar between the Ministry of Labor and the International Labor Organisation at the end of May.<sup>46</sup> At the seminar, the intention of the workers present was to recognize the condition of employees with maintenance of work flexibility and, on the part of the companies, rather timid proposals such as being “facilitator in the collection of social security contributions” to be paid only by workers.<sup>47</sup> The Working Group was effectively installed and started its activities on June 5, 2023.<sup>48</sup>

## ON MAY 1ST, WORKERS’ DAY, PRESIDENT LULA CREATED A WORKING GROUP TO DISCUSS THE REGULATION OF PLATFORM LABOUR

Even if the Working Group comes to make an advanced proposal in terms of social protection for these workers, which is difficult due to the companies’ resistance, the obstacles presented by the next steps are gigantic. The National Congress elected in the same elections that placed Lula as President of the Republic is considered extremely conservative.<sup>49</sup> Add to this the vocal lobby of the companies behind the digital platforms, which revealed its full power in the recent discussion in parliament of the attempt to regulate social media and “fake news” (Project 2630 of 2020, which creates the Law of Freedom, Responsibility and Transparency on the Internet), leading the President of the Chamber of Deputies Arthur Lira to postpone the vote and condemn the actions of the companies, stating that “the algorithms worked in a way to massacre deputies in a virtual way”.<sup>50</sup> The sector has a powerful lobby, including organizing tours for deputies to meet companies in Silicon Valley, California.<sup>51</sup> In Brazil, lobbying is not regulated. In addition, the influence of this sector goes beyond the Legislative Power, reaching the Federal Supreme Court. In May, Minister Alexandre de Moraes suspended a judicial decision by the Labor Court that recognised the employment relationship of a driver with a ride-hailing platform, forwarding the process to be judged in the Common Court.<sup>52</sup> If this understanding spreads in the Supreme Court, workers will have many difficulties in being recognised as workers subject to fundamental rights.

# Fairwork Brazil Scores 2023

Minimum standards of fair work

AppJusto	3 /10	
iFood	2 /10	
Parafuzo	1 /10	
99	0 /10	
Americanas Entrega Flash	0 /10	
GetNinjas	0 /10	
Lalamove	0 /10	
Loggi	0 /10	
Rappi	0 /10	
Uber	0 /10	

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

[WWW.FAIR.WORK/BR](http://WWW.FAIR.WORK/BR)



# Explaining the scores

We scored 10 platforms in Brazil along five principles. These platforms cover sectors such as ride-hailing, delivery, general services – as painting – domestic and care services.



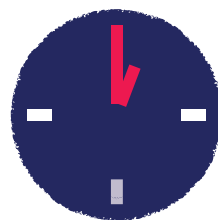
## Fair Pay

To receive the first point, platforms need to ensure that all workers earn at least the minimum hourly wage after labour costs. In addition, they need to show that all workers are paid on time and in full.

Only two – AppJusto and Parafuzo – out of 10 platforms achieved a point, based on evidence that all workers earn at least the minimum hourly wage of BRL6 considering labor costs, and that remuneration is always on time and in full. Regarding the other platforms, the research did not gather clear evidence that they meet all the necessary thresholds.

AppJusto has published data on pay and costs.<sup>53</sup> It has also made available a calculator<sup>54</sup> so that workers can estimate their earnings and costs based on their relationship with the platform.

In terms of living wage, we used the value by the Inter-Union Department of Statistics and Socioeconomic Studies (DIEESE) – the most reliable indicator in Brazil in this regard – with reference to December 2022, which totals BRL30.22 per hour. No platform has shown that it complies with this point.



## Fair Conditions

To receive this point, platforms must evidence that adequate training and equipment are provided – free of charge – to all workers in terms of health and safety protection. Also, the platform needs to provide adequate support to workers and design processes with occupational health and safety in mind.

No platform was able to score because there was not enough evidence that they met this point. Platforms are only eligible for the additional point – in this case ensuring safe working conditions and access to a safety net – if they meet the first point of the principle. The fact that no platform scored on this principle is an additional warning sign for the platform economy in Brazil.



## Fair Contracts

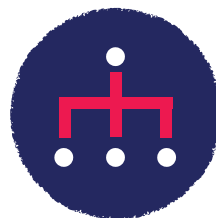
For platforms to make this point, they need to demonstrate that the contract or terms and conditions are clear, transparent and accessible to all workers.

Two platforms – AppJusto and iFood – achieved one point for this principle. This means that there was evidence that the contracting party is identified in the contract, subject to the law of the place where the person works, without including clauses that reverse legal frameworks in force in the country. There was also evidence that contracts are presented in full in clear and understandable language, easily accessible to all workers. Additionally, workers must sign a contract and/or give informed consent when signing up for the platform. Finally, the research found evidence that these platforms adopt adequate data protection and management measures, defined in a documented policy. The other platforms have not gathered sufficient evidence that they meet all the necessary items for this point.

As an example of some changes in favor of this principle, iFood has announced updates to its contracts,<sup>55</sup> including, for example, that all terms are governed by and construed in accordance with Brazilian law, without narrowing down to a specific region. AppJusto provides the history of changes to its contracts on the platform's GitHub.<sup>56</sup>

The additional point relates to the guarantee that no unfair clause is imposed in the contract, for example the platform unjustifiably exempts itself from liability. To achieve this point, the platform must demonstrate that it takes measures so that the contract does not contain clauses that prevent workers from effectively seeking compensation for claims arising from the employment relationship, that the proposed changes in contracts occur within a reasonable time and do not revert benefits already existing. In addition, if the work is mediated by subcontractors, the item verifies that there are mechanisms in place to monitor them and ensure that they are meeting expected work standards. Finally, in the case of a dynamic tariff, the platform must ensure that the data collected and the calculations used to allocate the payment

must be transparent and documented in a form available to workers. No platform has been able to provide sufficient evidence that they meet all the necessary thresholds for this point.



## Fair Management

To achieve this point, platforms must provide due process for decisions that affect workers. This involves having an easy and accessible channel for workers to communicate with humans on the platform and be able to solve their problems effectively. The channel needs to be documented in the contract and available on the platform's interface, and the company needs to respond to workers within a reasonable time. In addition, the platform needs to demonstrate that there is a process in place for workers to meaningfully and effectively address low grades, non-payment, deactivations, and other disciplinary actions. This process must also be documented in the platform interface. Workers must also not be harmed by raising concerns or resorting to disciplinary action.

The research obtained evidence that two platforms – AppJusto and iFood – comply with this principle. AppJusto, for example, has made changes to its policies and practices, including clear sections on deactivation in the contract<sup>57</sup> and in the interface. There are no automatic deactivations and communication is always human.

No platform met all the necessary thresholds to achieve the additional point. To achieve this point, platforms must ensure that equity is provided in the management process. This includes anti-discrimination policies that are effective, and measures to promote diversity, equality and inclusion on the platform, with promotion of equal opportunities for workers from disadvantaged groups. If algorithms are used across the platform, they need to be transparent and not result in unequal outcomes for historically or currently disadvantaged cohort workers. In addition, companies must have mechanisms to reduce the risk of users discriminating against workers.





## Fair Representation

For platforms to be awarded this point, they must ensure freedom of association and the expression of the collective voice of workers. This means having a documented mechanism for expressing the collective voice of workers that allows all workers to organise without risk. A formal written declaration is also required in order to recognise and negotiate with the collective body of workers or unions, which is clearly communicated to all workers and available on the platform interface. Platforms must also show that freedom of association is not inhibited and that workers are not harmed by organising.





















No platform has managed to gather clear and sufficient evidence that they meet all the necessary thresholds for either of the points for this principle.

The fact that no platform scored on the principle of representation is an additional warning sign for the platform economy in Brazil.

## PLATFORM IN FOCUS

# Parafuzo

The expansion of companies that operate through digital labour platforms to offer services related to care work for people and homes (care for children, the elderly and sick people; services such as cleaning, ironing, cooking, etc.) has been observed around the world. According to data from the International Labor Organisation (ILO),<sup>58</sup> the use of digital platforms for hiring workers and care workers has increased in the United States, Europe, the Middle East, India, Mexico and South Africa. It is also possible to verify this growth in Latin American countries, such as Brazil.<sup>59</sup>

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

Parafuzo's total score





Digital care work platforms have even been highlighted in recent Fairwork research conducted in Ecuador<sup>60</sup> and Colombia.<sup>61</sup> As established by Convention n. 189 of the ILO,<sup>62</sup> care workers can be hired directly by families or through intermediaries, which can be public, private, for-profit or non-profit, including cooperatives and companies that operate digital platforms. Therefore, there is a diversity of hiring models, impacting the protections and rights of a significant portion of people working in the care sector, including services related to domestic work.

Thus, the platform in focus of our second round of Fairwork Brazil is Parafuzo: a Brazilian company created in 2014 and which operates mainly in the domestic work sector with the provision of cleaning services for homes and commercial properties. It also offers ironing services, furniture assembly, among others related to home care work.

In 2016, Parafuzo earned R\$13 million and had approximately 1,000 professionals registered on its platform.<sup>63</sup> During the COVID-19 pandemic, in 2020, Parafuzo merged with another company also in the domestic work sector called Blumpa, which was founded in the same year, 2014. The merger of these companies allowed Parafuzo to operate Blumpa and gain a boost in financial and management investment.<sup>64</sup>

By 2023, Parafuzo was operating in more than 160 cities, in 20 Brazilian states and in the Federal District. Currently, it has more than 5,000 professionals registered on its platform and has already provided more than a million services since its creation in 2014 until the first quarter of 2023.<sup>65</sup>

This year, Parafuzo began a commercial partnership with the retail company Casas Bahia, which made its market place available to professionals registered on the care work platform. On the Casas Bahia marketplace, customers can hire the services offered by Parafuzo with special discounts.<sup>66</sup>

The customer can book a domestic service on the platform on a single day (that is, performing the service only once), or choose a weekly or biweekly subscription. Service prices may vary depending on the type of subscription, the location of the residence or commercial property, the services chosen and the required frequency.

It is worth noting that Parafuzo began operating in Brazil within the last ten years, concurrently with the creation

of the “PEC das Domésticas”, a Proposed Constitutional Amendment approved in 2013,<sup>67</sup> which preceded Complementary Law n. 150/2015, guaranteeing a series of rights to domestic workers in the country.

The professional occupation linked to domestic work, in Brazil, is predominantly undertaken by black and low-income women, representing the inequalities of class, gender and race historically present in the country. Data from Pnad Contínua, from IBGE,<sup>68</sup> show that the population engaged in paid domestic work in Brazil was 5.7 million in the 4th quarter of 2021. The survey also revealed that this population was a group of professionals made up of 92% women (5.2 million) and 65% (3.4 million) black people (black plus brown). In addition, 4 million of the paid domestic workers (76%) do not have a formal contract, which indicates the deep informalisation of paid care work in the country.

Workers need to pay a registration fee and a monthly fee to the Parafuzo in order to receive job offers.<sup>69</sup> Professionals need to maintain a certain minimum score to remain active on the platform.<sup>70</sup>



In this Fairwork Brazil report, Parafuzo scored a point for principle 1.1, as the project team was able to evidence that the company guarantees workers full and timely payment, considering their terms of employment, and ensures that workers are paid at least the minimum wage after costs. However, the team did not find evidence with regard to Principle 1.2, that is, that workers earn at least the living wage indicated by DIEESE.<sup>71</sup>

Regarding principles 2.1 and 2.2 on fair working conditions, unfortunately, no points were awarded because the team did not find sufficient evidence that work processes linked to the platform manage to mitigate task-specific risks in order to protect the health and safety of workers. At the same time, it is important to highlight that, following its engagement with the Fairwork project, Parafuzo began, in July 2023, to provide free personal accident insurance to each worker with an active registration on the platform and who was carrying out a service at the time of the accident.

There was no evidence that Parafuzo met the parameters to receive the points for Principles 3.1 and 3.2, which require clear and transparent terms and contracts and the guarantee that abusive contractual clauses are not imposed. In addition, Parafuzo does not have a documented policy proving that it adopts appropriate measures to protect and manage workers' data.

Regarding Principle 4, which deals with fair management, we didn't find sufficient evidence that the requirements for the first threshold were met. The platform demonstrated that it is making efforts to make communication channels available so that everyone has access to the platform's human representatives and has their work problems resolved, but workers linked to Parafuzo still suffer deactivation due to low scores. Parafuzo, in its contract, states that it is against worker discrimination, however, no evidence was found of a consolidated anti-discrimination policy with measures to promote diversity, equality and equity on the platform. Furthermore, no evidence was found that the platform algorithms used to determine access or type of work and pay scales available to workers seeking to use the platform are transparent. Thus, Parafuzo did not receive a point for Principle 4.2.

Unfortunately, it was not possible for Parafuzo to achieve a point for principles 5.1 and 5.2 that deal with the representation of workers. The Fairwork project considers it fundamental that platforms publicly recognise, and in a documented way, that they are willing to listen to and negotiate with any collective organisation of workers. Ensuring workers the possibility of democratically participating in the governance of the platforms is a very important aspect for the fulfillment of these principles, but which, unfortunately, has not yet been fully assumed by the companies that operate digital labour platforms in Brazil.





# Workers' Stories

## João, worker for Loggi\*

A 43-year-old man who lives in São Paulo, and a worker for Loggi. He started on the platform, like many others, at the time of the Covid-19 pandemic, as the platform released the records that were on hold during this period. João told us that, before the pandemic, the time to join the platform took between six and twelve months, pending approval by the platform. But, during the pandemic, the platform started a policy of immediate access. This was decisive for the decrease in the values of packages forwarded to couriers. Thus, the remuneration for courier routes dropped significantly in less than a month and the minimum amount for car delivery was abolished. "A car delivery that was ten packages for a hundred and something reais, now comes with forty packages for fifty reais. It turned into a mess! Loggi started to pay very badly".

João says that when he joined Loggi, he worked an average of ten hours a day, but that was because 'money came in'. He made an effort to work longer hours because he was in debt and began to see platform work as a possibility for sufficient income to catch up on his personal finances. João told us that, with the entry of so many other couriers, he now worked 13 hours a day to be able to meet his goal of daily earnings: "to make 200 reais I had to leave from seven in the morning and come back at midnight, always". For him, this was the fact that the strike movements of the couriers had been strengthened.

With regard to risks, João is emphatic in stating that the biggest problem is accidents. João considers that Loggi should pay at least 30% more for dangerous work since, for him, the accumulation of risks in the service is comparable to that of a police officer. Other than that, he highlighted the mental problems and exhaustion, which often discounts the dissatisfactions in the family. For him, these aspects are inseparable, since "you spend the whole day on the street and it exhausts the psychological". In addition to psychosocial factors, João told us of the numerous physical problems that are part of the courier's activities. He says: "It's been

a long time on the street without drinking water, holding back to go to the bathroom, without eating right, various illnesses, back problems, left leg problems I had a lot, I felt pain in my left leg for a year. In addition to my trunk being released, it would hit my back when going through the hole, the position on the bike, sitting for a long time, I already had calluses on my ass man, you must have never seen that, it's crazy. And that's it, millions of delivery workers have already died, suffered accidents and have consequences to this day, it's a disgrace".

João also comments on the issue of deactivations. He explains that: "Loggi blocks any courier they can find in a demonstration. It blocks the license plate, it manages to discover the license plate, it identifies the person". Even couriers who have social media channels to denounce working conditions are found out. He is emphatic: "whoever has a YouTube channel that clashes with them, if Loggi manages to identify and discover the account, it will deactivate it". In addition to this explicit deactivation, he says that as the company was being questioned at the Parliamentary Commission of Inquiry (CPI) of the apps, they started with the shadow bans. In this mild form of blocking, the worker does not realise that he is blocked, but he also does not receive any more deliveries. He continues to feel part of the platform, but has stopped receiving service calls or has few demands.

## Maria, working for Americanas Entrega Flash\*

A 32-year-old woman who has been working for almost two years for Americanas Entrega Flash in Rio de Janeiro state. She told us that she registered in November 2021 and started making deliveries in January 2022. Upon joining the platform, she says she enjoyed the job, mainly because they had a lot of requests, but it turns out that she was pregnant. At the time, she was five months pregnant and, given all the risks involved in the activity, she only returned a few months later, when her son was four months old. Upon returning,

however, she says: “When I went back to work, in August, I thought I wasn’t getting orders, I don’t even remember how I did it, but I sent a message to them asking to look at my registration. I thought that there was a problem with my registration, because I was online every day, wanting to do only Americanas Entrega Flash and not on other apps. They replied that my registration was normal, that I could be close to where there is demand.” Maria says that sometimes she even received messages saying that the value of the route had increased for her region, but this was interpreted by her more as a way of encouraging her to remain connected to the platform without question. Until today, according to her, from then on, there were few requests until it was reduced to nothing.

## Luiz, Uber driver\*

An Uber driver who lives in Fortaleza, Brazilian Northeast. He says that one day he was waiting for passengers and a call from an elderly gentleman appeared on the app. When he arrived at the scene, a boy appeared with a cell phone in his hand, claiming to be the passenger, holding the hand of an elderly man. However, when Luiz unlocked the door, he realised that the elderly man did not get into the vehicle, but instead, another boy. It was then that the driver realised it was a robbery. Luiz disguised it, asked where they were going, and found they didn’t know how to answer. During the course of the trip, they asked him very unusual things, such as if the car was good, if the car’s mechanics were in good condition and forced him to leave the route that the app suggested, starting to take a path that is normally a route to stolen cars. Luiz referred to Uber’s lack of security,

as the application does not have sufficient monitoring mechanisms to prevent theft, which will only be dealt with by the company after it happens.

Faced with the situation, Luiz told us that he decided not to change the route and informed the boys that he needed to follow the application. Soon he remembered that he had a gas station in front of him, with a supply program for companies. When he got close, he said he needed to fill up, entered the gas station, got out with the car keys in hand and went to a police car that was there. The policeman guided him, took them out of the car, approached the two, asked if he wanted to continue the trip, he said no and went on his way. Afterwards, Luiz says: “they denounced me for racism in the app and, as we don’t have immediate support, Uber blocked me”. To try to solve it, Luiz decided to go personally to Uber. He made an appointment, explained what happened and the next day he was notified of the unlocking by email, apologising, but with a ready message saying that the company did not tolerate racism.

Luiz regrets eventually making possible judgments, but claims that he does not do so motivated by personal characteristics, but out of fear. What weighs, according to him, is the fact that “the application does not provide any immediate support. Everything is done later, after you’ve been shot, after you’ve been robbed, after you have to solve the problem, and still, many times, you end up being blocked, or suspended”.

**\* Names in this section have been changed to protect the workers’ identity**



## THEME IN FOCUS

# Lobbying by Digital Labour Platforms

Lobbying is a historical practice of companies under capitalism, and part of the power of platforms comes from their ability to put pressure on different institutions, including the press, governments and public opinion. In July 2022, The Guardian newspaper<sup>72</sup> published the *Uber Files*, which exposed the company's mechanisms to pressure policymakers, legislators and governments. The allegations focused especially on Europe and North America. However, platforms lobby governments all over the world, including in Brazil.

Some of the nuances of platforms' lobbying efforts are reflected in their discourses. Instead of lobbying, they talk about "advocacy" or "policy". In the context of the UN Sustainable Development Goals (SDGs) and environmental, social and corporate governance goals (the ESGs), platforms have positioned themselves as carriers of values of diversity, and social and environmental responsibility. From their institutional communications, they modulate their discourses to present themselves as anti-racists and create their own forums to discuss their agenda with workers.<sup>73</sup> Historically, multiple companies have promoted "washing" in relation to ethics<sup>74</sup> and what is "fair" or "decent".<sup>75</sup> That is, companies try to claim these principles for themselves, shaping public opinion.

In many platforms, this goes through an internal division called "public policies". Present on digital labour platforms and social media platforms all over the world, including Brazil, these teams promote the companies' agenda with governments and regulators. This occurs either directly from congressional lobbying benches – as evidenced by news stories in *The Intercept* in 2021<sup>76</sup> and 2022<sup>77</sup> – or from the production of research in partnership with institutes

and think tanks. For instance, a research group on platform work pointed out that a study funded by platforms in Brazil distorted data on workers' income and had other biases<sup>78</sup>. One of the platform companies operating in Brazil, iFood, was previously accused – in an award-winning journalistic reporting by Publica<sup>79</sup> – of having hired a PR agency to create fake accounts for couriers in order to confuse workers' struggles, in an anti-union strategy.

These reports highlight the assertiveness of platform communication, which can even play with misinformation to confuse public opinion, especially at a time of discussion about the regulation of work by platforms. Hence, it is important for civil society to better understand what the public policy divisions of the platforms are and what they do. What do these departments understand, after all, by public policies? Who are the people who make up these divisions? What are their backgrounds? Who are the platforms' research partners and what is their research agenda?

Along with this, we need to better understand the role of the think tanks that work with platforms and how they





can help promote platforms' agenda. In 2021, the Ethos Institute, a think tank based in Brazil – representing companies such as iFood, Uber, Mercado Livre and Natura – launched a public consultation on decent work on digital platforms.<sup>80</sup> In 2022, the Institute called for platforms to adhere to a manifesto for a business initiative regarding the promotion of decent work on platforms.<sup>81</sup> In April 2023, the president of Ethos Institute published an op-ed in one of the most relevant Brazilian newspapers, *Folha de S. Paulo*, defending the platforms' principles and guidelines built with platforms.<sup>82</sup> On the one hand, we consider it very important that more institutions are getting involved in the discussion and promotion of decent work on platforms. On the other hand, we need to analyse whether when we speak, for example, of “fair pay”, we are talking about the same parameters, and what are the narrative disputes around the notion of decent work.

Therefore, understanding decent work in the context of platform work also involves a deeper understanding of companies, their public policy divisions, and the think tanks linked to them – as a collective agenda of universities and civil society organisations.

**THESE REPORTS HIGHLIGHT THE ASSERTIVENESS OF PLATFORM COMMUNICATION, WHICH CAN EVEN PLAY WITH MISINFORMATION TO CONFUSE PUBLIC OPINION, ESPECIALLY AT A TIME OF DISCUSSION ABOUT THE REGULATION OF WORK BY PLATFORMS.**



## MOVING FORWARD

# Platform Changes

Platforms have the ability to improve conditions for their workers, while continuing to provide income opportunities. As a result of their engagement with Fairwork, the following platforms have implemented or are implementing changes to their policies and practices towards compliance with Fairwork principles.



## Fair Pay:

**AppJusto** published a page<sup>83</sup> detailing data on remuneration, involving minimum wage, ideal minimum wage, and costs for workers. The platform also launched a<sup>84</sup> cost and earnings calculator for workers.

## Fair Conditions:

**AppJusto** introduced in April 2023 the IZA insurance<sup>85</sup> for all workers in all their deliveries.

**Parafuzo** has provided access to SURA personal accident insurance free of charge since July 1, 2023.

**iFood** is testing a pilot project – called “score” – so that workers who stop working for a certain period do not have their position on the platform affected.

## Fair Contracts:

**AppJusto** has documented all changes to the contract in a repository on GitHub<sup>86</sup> so that everyone has access to all versions of the terms.

**iFood** updated its terms and conditions on July 7, 2023. Among the changes, it included a 30 day notice period before changes in contracts to take effect, simplified the law and jurisdiction clause to provide that the terms are governed and interpreted in accordance with Brazilian laws – without choosing a specific city – and included a clause that provides that the worker is only liable in case of misuse of the platform.

## Fair Management:

**AppJusto** amended the contracts on July 5, 2023<sup>87</sup> to document how the deactivations work on the platform, also explaining that there are no automatic blocks. The platform has also included an anti-discrimination clause in its contracts.<sup>88</sup> AppJusto has also included a complaint form within the app so that workers can report any types of discrimination. The platform also committed to sharing the source code with researchers who are interested in doing an independent algorithmic audit of AppJusto.

**iFood** has an anti-discrimination policy under construction, which should be published soon. The platform also launched a Psychological and Legal Support Center,<sup>89</sup> which workers who have been victims of discrimination can access for free.

**Parafuzo** created a communication channel through which professionals can dispute absences, fines and evaluations, using the email [responsabilidade@parafuzo.com](mailto:responsabilidade@parafuzo.com), and through which they will receive a response from the company within two business days. This communication channel was included in the Information Table attached to the platform’s Terms of Use and disclosed to workers.



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

Our first and most direct way to improve working conditions on digital work platforms is direct engagement with platforms operating in Brazil. Many platforms are aware of our research and eager to improve their performance against last year and other platforms. For example, AppJusto, iFood and Parafuzo engaged with us,

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

We also engaged with policy makers and governments to explain how Fairwork principles can contribute to building public policy for platform labour in Brazil. This included conversations with deputies, councilors, and Ministries – especially Labor – as well as a relationship with the Labor Prosecutor Office, which supports the Fairwork Pledge. There was also participation of the project in the Chamber of Deputies in 2023. In addition, throughout the year, Fairwork Brazil offered workshops (online, and in person in Porto Alegre and São Paulo) to present and discuss the principles, with the presence of many relevant stakeholders.

Finally, and most importantly, workers and their organisations are at the heart of the Fairwork model. First, our principles have been developed and 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 develop the Fairwork principles to stay aligned with their needs. We also contacted trade union centrals, unions and associations in Brazil that are concerned with working through platforms to present the project.

Additionally, in May 2022, Fairwork published a survey conducted by Instituto Locomotiva on what São Paulo citizens think about the platform economy.<sup>90</sup> According to the survey, 93% of São Paulo residents believe that platforms should offer fairer conditions to workers. 87% believe that platforms should be regulated to ensure decent working conditions, and 84% believe that platforms should be forced to negotiate with workers. The majority also consider platform workers' strikes to be fair. In November 2022, we conducted a campaign in the streets of São Paulo with billboards and a truck communicating the results of this survey. The campaign also sought to raise citizens' awareness of platform work conditions in Brazil, particularly in view of the first Fairwork Brazil report.

Figure 2: Fairwork's Pathways to Change

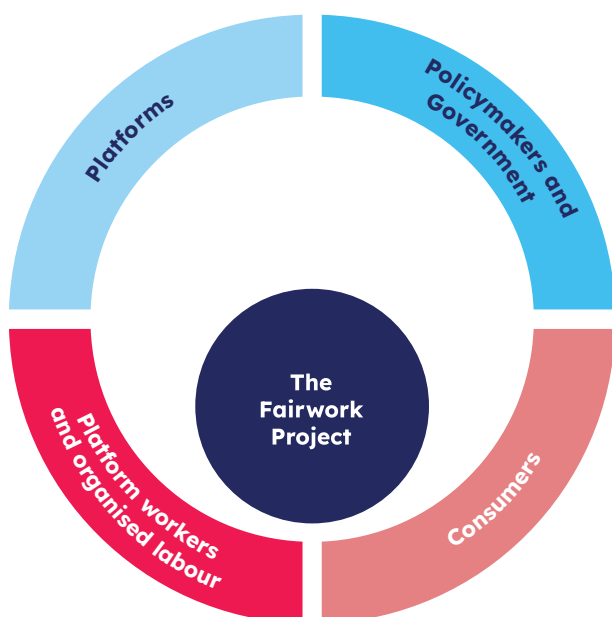
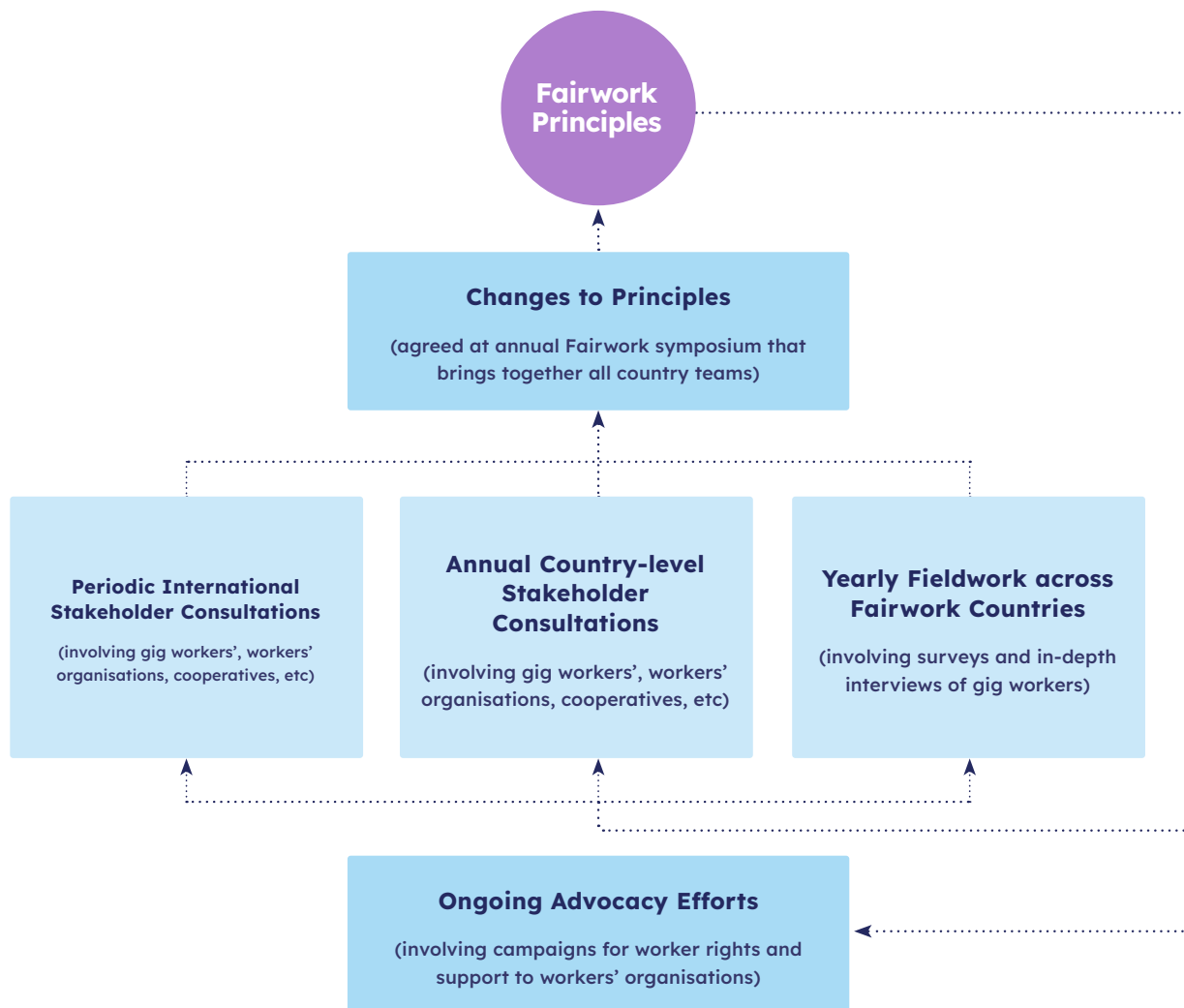


Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



The Fairwork project remains open to social dialogue with all parties interested in ensuring decent work in the platform economy in Brazil.

that the Fairwork project's work – highlighting the contours of today's platform economy – will build a picture of what it can become tomorrow.

There is nothing inevitable about poor working conditions in the platform economy. Despite claims to the contrary, platforms have substantial control over the nature of the jobs they mediate. Workers who find their activities through platforms are still workers, and there is no basis for denying them key rights and protections. Our scores show that the platform economy as we know it today already takes many forms, with some platforms showing greater concern for workers' needs than others. This means we don't have to accept low pay, poor conditions, inequality and lack of agency and voice as the norm of platform labour. We hope

# 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 have an official supporter of Fairwork in Brazil: the Labor Prosecutor Office.

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**

**[WWW.FAIR.WORK/PLEDGE](http://WWW.FAIR.WORK/PLEDGE)**





## APPENDIX

# Fairwork Scoring System

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

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”<sup>91</sup>. That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”<sup>92</sup>. Marketplaces that do not facilitate labour exchanges – for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods) are obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models<sup>93</sup>.

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

Fairwork distinguishes between two types of these platforms. The first, is location-based or “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. The second is “cloudwork” or online work platforms where the work can, in theory, be performed from any location via the internet.

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

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

## How does the scoring system work?

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

Each Fairwork Principle is divided into two *thresholds*. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded corresponding to the second threshold (see Table 1).

The second point under each Principle can only be awarded if the first point for that Principle has been awarded.

The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 12 months between September 2022 and March 2023, and are valid until March 2024.

Table 1 Fairwork Scoring System

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

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 vehicle<sup>94</sup>. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage<sup>95</sup>. 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 hours<sup>96</sup>. 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 costs<sup>97</sup>.

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

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below 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<sup>98,99</sup>.

## 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 risks<sup>100</sup>. 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 risks<sup>101</sup>. In particular, the platform should ensure that pay is not structured in a way that incentivises 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 workers<sup>102</sup>. 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

interface<sup>103</sup>.

- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

#### **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 status<sup>104</sup>.
- 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 mechanism<sup>105</sup> 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 interface<sup>106</sup>.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation<sup>107</sup>.

##### **5.2 – Supports democratic governance (one additional point)**

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in 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 representation<sup>108</sup>.



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- 94** 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.
- 95** 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.



**96** 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.

**97** 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.

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

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

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

**101** 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."

**102** 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.

**103** 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.

**104** In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.

**105** 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.

**106** 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."

**107** 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.

**108** If workers choose to seek representation from an independent collective body of workers or union that is not readily recognised 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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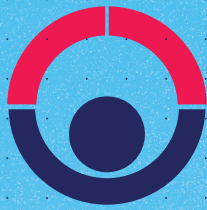


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