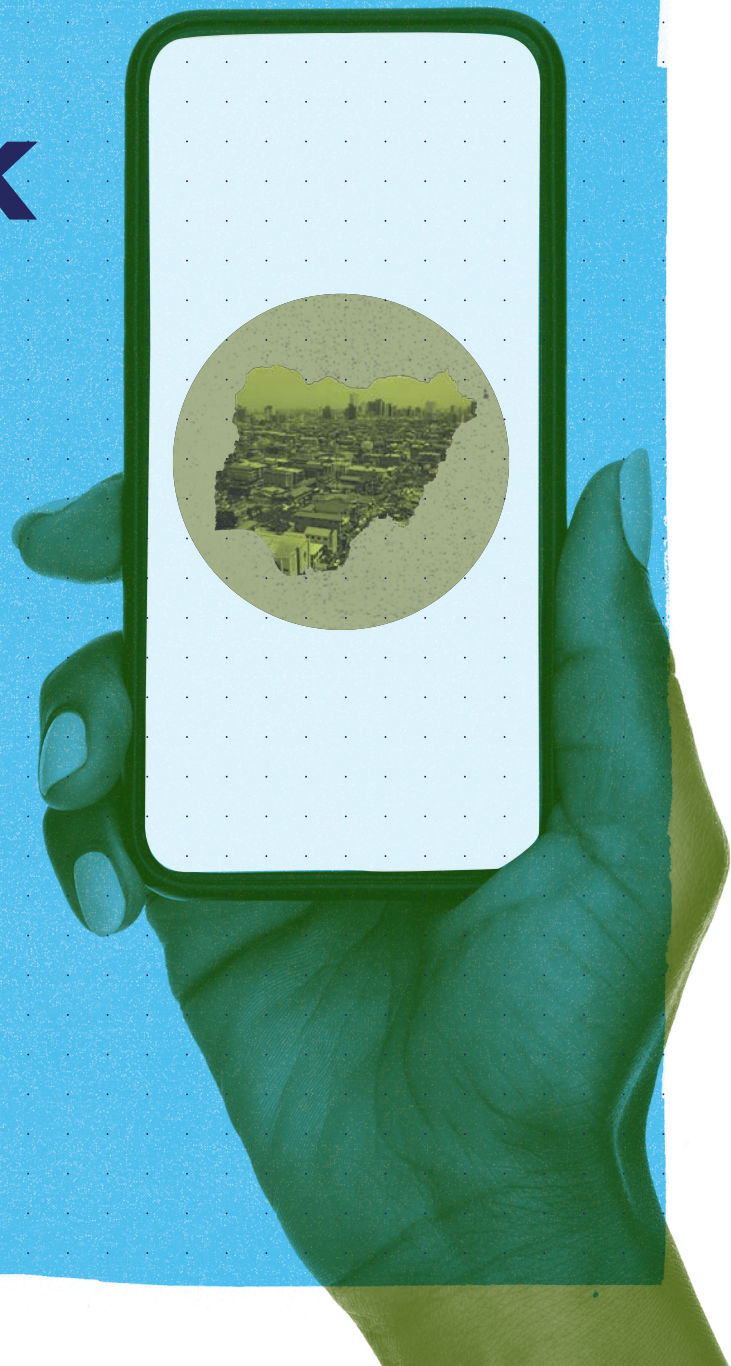


Fairwork

**ADVOCATING FOR INCREASED  
SAFETY AND SECURITY IN THE  
PLATFORM ECONOMY**

# **Fairwork Nigeria Ratings 2023**





# CONTENTS

## 03 Executive Summary

---

## 04 Key Findings

---

## 06 Editorial

---

## 07 The Fairwork Project: Towards Decent Labour Standards

---

## 09 The Fairwork Framework

---

## 13 Background: The Nigerian Platform Economy

---

## 16 Fairwork Nigeria Scores 2023

---

## 19 Platform in Focus: Lagos Ride

---

## 22 Workers' Stories

---

## 24 Theme in Focus: Insecurity in the Platform Economy

---

## 26 Moving Forward: Pathways of Change

---

## 29 The Fairwork Pledge

---

## 30 Appendix: Fairwork Scoring System

---

## 36 Endnotes

---

## 38 Credits and Funding

---



# Executive Summary

**This report focuses on our continued assessment and evaluation of online platforms operating in Nigeria, some of which we rated in 2022 and others which we have rated for the first time in this round, using the five Fairwork principles. The report examines the working conditions of platform workers on 12 ride-hailing and delivery platforms: Uber, Bolt, Lagos Ride (LagRide), InDrive, Rida, Glovo, Bolt Food, Jumia Food, Gokada, Chowdeck, Mano, and Kwik. These platforms were rated against Fairwork's five principles: fair pay, fair conditions, fair contracts, fair management and fair representation.**

The first half of 2023 in Nigeria has been marked by an unprecedented economic downturn resulting in fuel scarcity, commodity price hikes, and insecurity resulting from governance lapses and other challenges related to 2023 being an election year.<sup>1</sup> A critical struggle for platform workers is the issue of insecurity and lack of safety on the job, which this report highlights for the second year in a row. A lack of security affects citizens' ability to move freely in public settings, and particularly impacts platform workers.

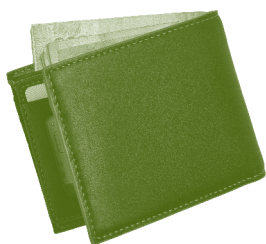
A significant and positive highlight in Nigeria's ride-hailing sector was the approval of a trade union for platform workers towards the end of 2022 – the Amalgamated Union of App-Based Transport Workers of Nigeria (AUATWON), the first of its kind in the country.<sup>2</sup> This came after several years of workers clamouring for a union to serve as a channel through which their interests and concerns might be heard. Although it is not yet clear to what extent platforms will be willing to dialogue with the union, it will be a rallying point for workers as well as a forum for them to organise initiatives that could enhance their own professional development.

After the removal of the subsidy on petrol by the Federal Government in the second quarter of 2023, the cost of fuel rose by more than 200%, making it almost unaffordable for

the average Nigerian. In response, Uber and Bolt drivers under the aegis of AUATWON commenced strike actions in various locations asking platforms to increase fares by a minimum of 200% and to cut down on their commission.<sup>3</sup> It is our hope that platforms and platform workers, through this union, can reach a mutually beneficial agreement.



# Key Findings



## FAIR PAY

**For platforms to earn the first point for “Fair Pay”, we check to see that platform workers earn the minimum wage after work-related costs. We found evidence that workers for only two (Glovo and Mano) of the 12 platforms we scored earn the minimum wage per month of N30,000 (\$34.6) or the derived minimum wage per hour of N173.08 after work-related costs.<sup>4</sup>**

For the second point, we check that platform workers earn a living wage after work-related costs. We could not find evidence that all workers earned the local living wage of N191,909 (\$64.3) after work-related costs for any of the 12 platforms.



## FAIR CONDITIONS

**For platforms to earn the first point, we check that there are policies in place to prevent task-specific risks. We could not find sufficient evidence that any of the 12 platforms had policies in place to effectively protect workers against risks arising from their work. While some platforms provided certain measures such as safety training and SOS buttons to mitigate risks and protect workers, we did not find enough evidence that these were available to all of their platform workers.**

The second point checks that platforms ensure safe working conditions and provide a safety net for workers. In none of the cases did we find evidence that platforms provide income security to their drivers in the case of sickness or inability to work that did not result from an accident while on a trip.





## FAIR CONTRACTS

**For platforms to earn the first point, we check that they provide clear and transparent terms and conditions for their workers. Only one platform (Glovo) could provide sufficient evidence that its terms and conditions are clear and transparent, and subject to Nigerian rather than foreign law.**

For the second point, we check that platforms ensure that no unfair clauses are imposed. We found that platforms have clauses in their Terms and Conditions which exclude them from liabilities concerning the working relationship and shifting the risks stemming from the relationship onto the workers. None provided evidence contrary to this. Therefore, none of the platforms earned the second point.



## FAIR MANAGEMENT

**For platforms to earn the first point, we check that they provide due process for decisions affecting workers. Only one of the 12 platforms (Glovo) evidenced the provision of due process for decisions affecting platform workers. It also showed effective communication channels and an appeal process in instances where workers have been deactivated from the platform.**

For the second point, we check for equity in the management process by platforms. We could not find sufficient evidence that any of the 12 platforms are adopting clear anti-discrimination policies and proactive policies that are inclusive of disadvantaged groups, or providing clarity on how algorithms are used to determine work and remuneration. Therefore, none of them earned the second point.



## FAIR REPRESENTATION

**For platforms to earn the first point, we check that they assure freedom of association and expression of collective worker voice. We did not find sufficient evidence that any of the 12 platforms demonstrated this.**

For the second point, we check for evidence that platforms support democratic governance. We could not find sufficient evidence that any of the platforms have formally and publicly recognised an independent collective body of workers or trade union. In addition, we could not find evidence that platform workers play meaningful roles in contributing to decisions affecting their work; nor are there mechanisms to facilitate collective bargaining.



# Editorial

**Since the Lagos Business School (LBS) joined the Fairwork project in 2022, the team has collaborated with workers, stakeholders and platform management in various meetings and workshops to deliberate on the best ways to achieve equitable work for all platform workers in Nigeria's platform ecosystem. For the 2023 scoring round, interviews were conducted with over 100 platform workers across 12 ride-hailing and delivery platforms.**

Nigeria is a country with plentiful human resources, but also rising unemployment. If one is lucky to find a job, the next question is whether or not the earnings will cover daily needs. Due to the high rate of unemployment in the country, opportunities in ride-hailing and delivery services continue to be attractive options for many graduates. In addition, platforms came with a “be your own boss” mantra and so the initial success of Uber was soon followed by the establishment of similar platforms in Nigeria, such as Bolt and Indrive. While platform work is the sole source of livelihood for some platform workers, it remains an alternative income stream for others. On the face of it therefore, platforms answer the prayer of countless Nigerians who need financial empowerment and sustainable work. However, the interviews we undertook with platform workers, as part of this research, reveal the frustration of some workers who have been on these platforms for over two years and yet despair of achieving their dreams of a comfortable livelihood. One unhappy respondent also complained of a lack of personal fulfilment, saying that “working on this platform affects me psychologically and does not give room for personal growth”.

In general, the way platforms respond to their workers' plight reveals whether they subscribe to decent ethical standards regarding, for example, the mode of remunerating workers, their working conditions, the terms of the contract binding the parties, etc.

During the course of the research, we were made aware of cases of arbitrary deactivation or blocking of workers from a platform with no room for explanations or appeal. At the same time, since platforms do not consider their workers to be employees but rather to be independent contractors, the platforms are not statutorily mandated to provide benefits to their workers such as paid sick leave, maternity leave, and insurance benefits.

The recent approval of a workers' union is a step forward and could facilitate lobbying of the government to introduce policies that hold platforms more accountable. The union can raise awareness of workers' situations and strategically engage with relevant stakeholders to demand basic labour standards.<sup>5</sup> During our stakeholder forum in April this year, we challenged the union representatives in attendance to confirm that they will train their members in financial literacy and healthy work practices, among others, and they assured us that they would do so. Fairwork Nigeria will continue to advocate for equitable work for all platform workers and will strive to foster mutually beneficial relationships between platforms and platform workers.

## **Fairwork Nigeria team**

Kemi Ogunyemi, Amaka Anozie, Chinyere Emeshie, Chiwenmeri Mama, Ogechi Obiorah, Daniel Arubayi, Mark Graham.



# **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

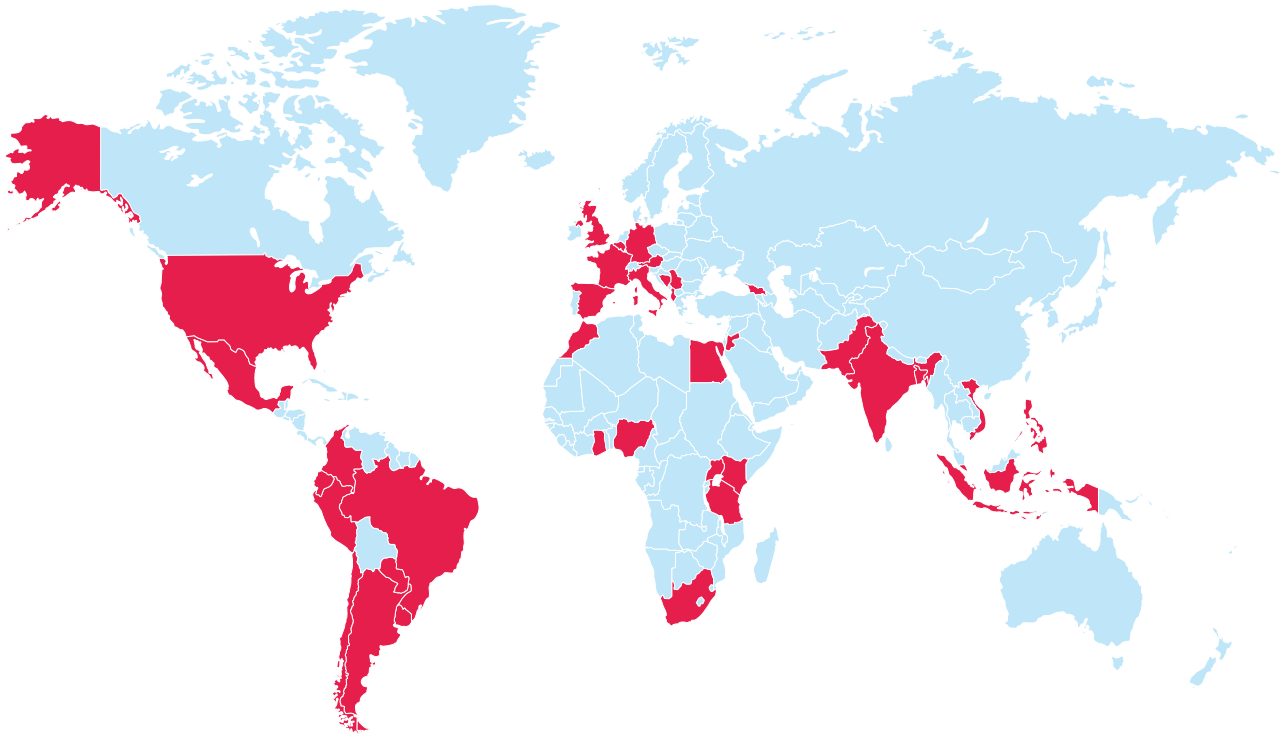


Figure 1. Map of Fairwork countries.

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





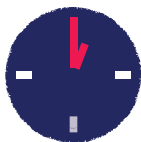
## STEP 1

# 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. For our 2023 ratings, this included, snowballing from interviews and other referrals from platform associations. In all these strategies informed consent was established, with interviews conducted both in person and online.

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



with the platform for more than two months. All interviews were conducted in English.

### Putting it all together

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

### How we score

Each of the five Fairwork principles is broken down into two points: a 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

# The Nigerian Platform Economy

Nigeria represents one of the largest e-hailing markets in Africa. The current population of the country is over 220 million people, equivalent to 2.64% of the world's population, as of June 2023, based on Worldometer elaboration of the latest United Nations data.<sup>6</sup> The country has natural resources like gold, petroleum, zinc, copper, and uranium. Nigeria exports agricultural products like sesame, cashew nuts, cocoa, ginger, and cotton to various parts of the world. It is clear that the country is blessed with human and natural resources, enabling businesses, including digital labour platforms, to thrive.

Like the previous report from the Fairwork Nigerian team for 2022, this report is focused on location-based work for the ride-hailing and delivery/logistics services platforms operating in Lagos State. With 'geographically-tethered' or 'location-based' platforms, the work is done in a particular location (for example, delivering food from a restaurant to an apartment or driving a person from one part of town to another).<sup>7</sup>

The entry of ride-hailing and delivery platforms into the Nigerian transport sector disrupted the existing transport ecosystem, with marketing strategies that appealed to prospective drivers and users in a country with a high unemployment rate. The World Bank has disclosed that no fewer than four million Nigerians were pushed into the poverty trap in the first six months of 2023, with another 7.1 million expected to join them if properly targeted measures are not taken to manage the impact of removal of the fuel subsidy in 2023.<sup>8</sup> The country's median age

currently stands at 18.4, making it one of the youngest populations globally. It is therefore not surprising that many platform users are young as they form the majority of the population.<sup>9</sup> A recent report by KPMG claims that the number of job seekers will rise in 2023 due to decreased economic growth and the inability of Nigeria's economy to absorb the four to five million yearly graduates into its job market.<sup>10</sup> Platforms offer alternative work opportunities to educated and non-educated youths who cannot find job opportunities in other sectors, and the coverage of the ride-hailing and delivery platforms has expanded across significant cities in Nigeria, taking advantage of the country's relatively underdeveloped public transport system, high population, and rapid urbanization.

Unfortunately, evidence from our worker interviews showed that most workers worked for more than one platform in a bid to earn enough from platform work to make a living.



Uber launched its operation in Nigeria in 2014, and its success made way for Bolt, Indrive and, later on, Rida. Lagos Ride (LagRide) was launched in 2022. Using a hire-purchase approach, Lagos Ride allows drivers to own the vehicle by making daily fixed payments of N8,709 as a debt obligation fee for four years after the drivers or partners make a down payment of N1,845,500 (\$2,410).<sup>11</sup> Indrive launched its e-hailing app in Nigeria in 2019 with a unique selling proposition that allows the users and drivers on the platform to negotiate a fare they are both comfortable with. Chowdeck, Bolt Food, and Jumia Food are online food ordering and delivery platforms that enable users to order meals at their favourite restaurants through the platforms' apps and have them delivered to their doorstep. Glovo, Gokada, Mano, and Kwik are also actively involved in delivery services. While workers on these platforms enjoy the benefit of a source of income, they have encountered various problems ranging from occupational hazards to poor working conditions. Competition becomes inevitable as new ride-hailing platforms enter the Nigerian market, with business models aimed at attracting users. Existing platforms are therefore pressured to make business decisions that are detrimental to the workers, whose work costs keep increasing daily. For example, platforms will reduce fares to attract more customers.

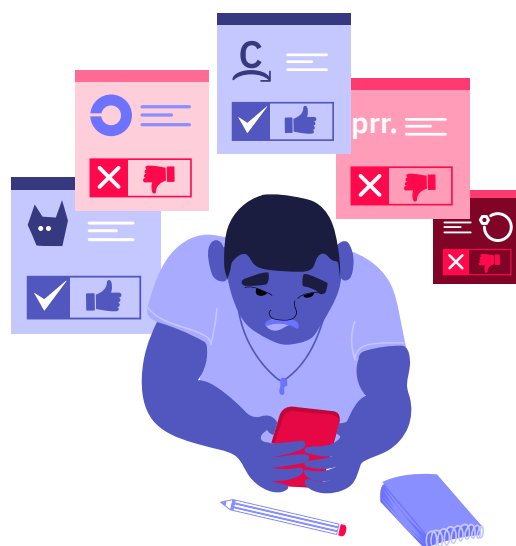
In line with the "Fair Representation" principle, platform workers, irrespective of their employment classification, should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.<sup>12</sup> The president of the Amalgamated Union of App-based Transport Workers of Nigeria (AUATWON), Dr. Adedaramola Adeniran, sees its registration as "a step towards the achievement of decent work practices in the Nigerian informal sector, especially in the area of social dialogue, by the establishment of the union to represent the needs of the workers in the app-based transport sector".<sup>13</sup>

This report highlights the impact of platforms' engagement in Nigeria's current economic climate, especially regarding fairness in their relationship with platform workers in Nigeria. The fear of unemployment, poverty, hunger and lack of their basic needs are major reasons why platform workers may bear the harsh working conditions involved in working for platforms. However, the success of platforms in Nigeria is mostly determined by the contributions of the workers, and this means that they are important stakeholders who should not be overlooked.

## The Legal Context

The promotion of decent work requires comprehensive and integrated strategies cutting across a range of policy areas to eliminate the negative aspects of informality in any economy.<sup>14</sup> While it is a fact that not all work engagements will establish an employer–employee relationship, the level of precarity can be much heightened when whatever relationship exists is overly clouded with ambiguity. In the Nigerian case of *Shena Security Co. Ltd v. Afropak (Nig.) Ltd & 2 Others*,<sup>15</sup> the Supreme Court laid down factors that should guide courts in determining which kind of contract the parties entered, highlighting as a factor whether the agreement is a contract of service or a contract for service. While the former indicates an employer–employee relationship, the latter shows an independent contractor relationship. This does not provide full clarity for worker–platform relationships since they have elements of both relationships here defined.

Besides, the Nigerian Labour Act does not cover the platform economy's intricacies, especially ride-hailing, making it difficult to classify platform workers. Some platform workers enjoy certain benefits that give the impression that they are platform employees. Other platforms categorically state in their contract that workers are partners or independent contractors and not their employees. In the absence of any existing law covering this sector in Nigeria, platform workers are generally considered to be independent contractors and not employees. Hence, they are not entitled to the benefits recognised and defined under the Nigerian Labour Act of 2004 and the Employee's Compensation Act of 2010.



As an independent contractor, a platform worker generates income from the proceeds of each piece of work done and can work on multiple platforms with different customers. Unlike with employees, platforms market the idea that the worker is the boss, that the worker can fix a working schedule based on the flexibility and autonomy of the job, and that the worker can earn more. These are components of the strategic business model employed by platforms to attract workers to platform work. But does the platform worker as an independent contractor have a say in the contract? Evidence from this study shows that workers in fact make no input in the contract; instead, at the click of 'I agree' to the terms and conditions on the app, the worker is welcomed on board. Although they are not forced to consent, hunger and desperation from unemployment limit their ability to query or negotiate terms.

We also found cases of arbitrary blocking, banning or deactivation of the worker from the platform. Section 36 of Nigeria Constitution<sup>16</sup> provides for fair hearing as a fundamental human right, which suggests that where there is a conflict between two parties, both must be heard. However, this is not always the case with platforms. The research data revealed instances where workers were blocked without been heard; this decision being made based on a customer's complaint. Such cases are compounded by the absence of an appeals process or of options for legal redress because of the restrictive clauses in worker contracts or due to platform matters being governed by laws from a different jurisdiction.<sup>17</sup>

Other challenges platform workers face include reduction in earnings without prior notice, fluctuation of income, abuse from platform users, poor communication channels and slow response to urgent situations or emergencies. These challenges have motivated workers to organise in one voice, that is, through the newly formed union AUATWON. The Nigerian Constitution protects their right to collectively organise, particularly their right to peaceful assembly and associations,<sup>18</sup> meaning they could possibly strike and conduct peaceful demonstrations.

While there are ongoing efforts to regulate the affairs of platforms in Nigeria, such as the current licensing fees imposed by the government,<sup>19</sup> there is still a long way to go. In 2017, two platform workers, representing all Uber and Bolt drivers, filed a class action suit at the Industrial Court in Lagos against Uber and Bolt,<sup>20</sup> calling for them to recognise drivers as employees under the Labour Act Section 91 (1).<sup>21</sup> While this was ultimately unsuccessful because of insufficient evidence of an employer–employee relationship, this class action, with awareness of related victories in other countries, has encouraged platform workers in Nigeria to continue to demand fair practices and decent work standards in the platform economy.

A higher degree of clarity in the regulation of platform employment is urgently needed. Even if platform workers are not entitled to the full legal benefits of traditional employment, platforms can still provide them with fair pay, training opportunities, social safety nets and other basic standards enshrined within the five principles of Fairwork.<sup>22</sup> There is a need for the government to make laws that capture the intricacies and dynamics of the platform ecosystem in Nigeria in order to infuse and enhance equity.

**THERE IS A NEED FOR THE GOVERNMENT TO MAKE LAWS THAT CAPTURE THE INTRICACIES AND DYNAMICS OF THE PLATFORM ECOSYSTEM IN NIGERIA IN ORDER TO INFUSE AND ENHANCE EQUITY**



# Fairwork Nigeria Scores 2023

Minimum standards of fair work

<b>Glovo</b>	3 /10	
<b>Mano</b>	1 /10	
<b>Bolt</b>	0 /10	
<b>Bolt Food</b>	0 /10	
<b>ChowDeck</b>	0 /10	
<b>Gokada</b>	0 /10	
<b>InDrive</b>	0 /10	
<b>Jumia Food</b>	0 /10	
<b>Kwik</b>	0 /10	
<b>Lagos Ride</b>	0 /10	
<b>Rida</b>	0 /10	
<b>Uber</b>	0 /10	

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

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

# Explaining the scores

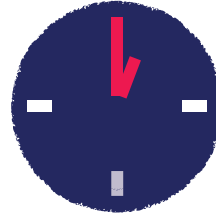


## Fair Pay

For platforms to be awarded this principle, the platform should take steps to ensure workers earn at least the local minimum wage after costs.

This year, out of the 12 platforms we evaluated, we found evidence that only Glovo and Mano ensured that all workers earn at least the local minimum wage of N30,000 (\$38.6) per month or the calculated hourly minimum wage of N173.08 after worker-related costs.<sup>23</sup> It is important to highlight that Mano pays their platform workers a fixed monthly income of N50,000 (\$64.2) excluding additional commissions that workers can earn. When assessing minimum earnings, we considered not only workers' earnings but also their spending, such as the cost of providing task-specific equipment and paying work-related costs out of pocket, including unpaid waiting time, travel costs, vehicles, petrol, mobile phone data and insurance.

To award the second point, we check to see if all workers earn the local living wage of N191,909 (\$247.1) per month after worker-related cost. We could not find sufficient evidence that platform workers earned the local living wage after costs in any of the 12 platforms.



## Fair Conditions

For platforms to achieve the first point of this principle, platforms should take the necessary steps to ensure that there are practices and policies in place that mitigate task-specific risks while undertaking deliveries, driving, and domestic work such as cleaning services.

For this year, we did not find sufficient evidence that any of the 12 platforms evaluated ensure that there are practices and policies in place to mitigate the risks involved in ride-hailing or undertaking deliveries. Glovo was close to earning this point because of the risk mitigation measures it has put in place thus far for platform workers.

For the second point, platforms should also take the necessary steps to ensure that they provide social safety nets for workers. We could not find any evidence that any of the 12 platforms provide safety nets to their workers, such as sick pay, maternal and paternal leave, and other proactive policies that provide income security to workers who cannot work for an extended period.

Therefore, we could not award points to any of the 12 platforms for the second principle threshold.

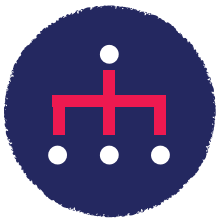




## Fair Contracts

To meet the first point, the platform should take steps to ensure that workers can understand, agree to, and access their work conditions at all times, and that they have legal recourse if the other party breaches those conditions.

Only one of the 12 platforms (Glovo) provided evidence that their terms and conditions are clear, transparent and are subject to the law of Nigeria. To meet the second point, platforms should show that there are no unfair clauses in workers' terms and conditions, particularly clauses that exclude platforms from shared liabilities and further prevent workers from seeking redress for grievances arising from the working relationship. We could not find sufficient evidence on any of the 12 platforms that their terms and conditions were free of clauses that are unfair to platform workers. Therefore, we were unable to award any of the 12 platforms for this threshold.



## Fair Management

With the use of algorithmic management and automated responses, platform management appears to be distant from platform workers. For platforms to meet the first point of this principle, they should take appropriate steps to provide due process for decisions affecting their workers.

Of the 12 platforms we scored, only Glovo could provide sufficient evidence of due process for decisions affecting workers. Glovo possesses effective communication channels via emails and live chat, with quick response times, and physical contact hours between Mondays and Fridays. The platform also conducts a monthly survey to understand and provide solutions for worker concerns. Arbitrary termination or deactivation is a big concern for platform workers, who lack the recourse available to formal

employees. Based on the evidence provided by Glovo, platform workers are not deactivated or suspended unless pertaining to issues of fraud, as stated in the terms and conditions. Platform workers are contacted more than once before any sanction is considered and can appeal any decision via available communication channels.

To get the second point, platforms should take appropriate steps to ensure equity in the management process by adopting an anti-discrimination policy and other proactive policies that are inclusive of disadvantaged groups such as women, disabled people and other groups. We did not find sufficient evidence to award a point to any of the platforms for this second point.



## Fair Representation






The right for workers to be listened to, and to organise and collectively express their concerns without being inhibited, is a vital prerequisite for fair working conditions. For platforms to achieve the first point in this principle, they need evidence that workers are assured of freedom of association and expression. While some platforms allow workers to freely express themselves without inhibition, we found no evidence of a formal policy of willingness to recognise or bargain with a collective body of workers or an official trade union for any of the platforms.

For the second point, platforms need to provide evidence that they support democratic governance. Despite the recognition of the AUATWON union by the government, there was no evidence that any of the platforms meet this point. Therefore, no platform was awarded this point.

## PLATFORM IN FOCUS

# Lagos Ride

In recent years, ride-hailing services have transformed the transportation landscape in Nigeria, offering a convenient and efficient alternative to traditional taxi services. Lagos State, being Nigeria's commercial and economic hub, witnessed a remarkable shift in commuting patterns with the introduction of Lagos Ride. This section explores the impact of ride-hailing services in Nigeria, specifically focusing on the trailblazing service provided by Lagos Ride in Lagos State.

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

Lagos Ride's total score





In recent years, ride-hailing services have transformed the transportation landscape in Nigeria, offering a convenient and efficient alternative to traditional taxi services. Lagos State, being Nigeria's commercial and economic hub, witnessed a remarkable shift in commuting patterns with the introduction of Lagos Ride. This section explores the impact of ride-hailing services in Nigeria, specifically focusing on the trailblazing service provided by Lagos Ride in Lagos State.<sup>24</sup>

Lagos Ride is a prominent ride-hailing service in Lagos State which has emerged as a game-changer in the industry. Launched in March 2022, Lagos Ride quickly gained traction among commuters, offering a safe, convenient, and reliable mode of transportation across the bustling city. The service has effectively bridged the gap between supply and demand, catering to the transportation needs of both residents and visitors to the State.

The service, launched by the Lagos State government, presented itself from the outset as a promising employment opportunity for drivers in the region as well as a bid to improve transportation. Lagos Ride began by introducing a taxi scheme with a thousand cars, garnering significant attention and support from the public.<sup>25</sup> However, as time has passed, concerns have emerged regarding the fair working conditions experienced by drivers for the platform.<sup>26</sup> Initially hailed as a blessing for drivers who did not own their vehicles, Lagos Ride offered them an alternative to already popular ride-hailing platforms like Bolt and Uber. As mentioned earlier in this report, through a lease-to-own model, Lagos Ride drivers could access vehicles by making a down payment and subsequent daily payments, which would eventually lead to full vehicle ownership after a set period. While this model appeared beneficial, it has now given rise to some contention among Lagos Ride drivers.<sup>27</sup>



Drivers on the Lagos Ride platform have recently voiced their discontent with the rise in the amount set for daily repayments, which has created financial difficulties and put a strain on their livelihoods. The increased financial burden resulting from these higher repayments has raised questions about the sustainability of the vehicle financing system adopted by the platform.

Besides, reports indicate that partners (individuals or entities who make down payments for a LagRide vehicle and then lease it out to drivers) reneging on agreements is increasingly frequent in the Lagos Ride system. According to John, a Lagos Ride driver we spoke to, partners who are middlemen between the platform and the drivers often fail to honour their agreements due to the perceived value of the vehicles provided by Lagos Ride. The attractive price offered by Lagos Ride, significantly lower than the market price, tempts partners to break agreements to claim the vehicles for themselves. This exposes gaps in security and fairness for drivers who rely on the Lagos Ride platform for their livelihoods.

In addition to issues related to partner agreements, Lagos Ride drivers have also raised concerns via the online report – TechCabal – about the financial strain and high costs associated with the asset financing system employed by the platform. As mentioned above, the daily repayments required to attain full ownership of the vehicles have increased, adding further pressure on the drivers' already challenging financial situations. Thus, many drivers argue that the pricing model, designed to ensure a daily net income of approximately N10,000 (\$12.50), is unrealistic and fails to fully account for various expenses and challenges they encounter.<sup>28</sup>

Despite the grievances expressed by Lagos Ride drivers according to the online report, a representative of the Lagos Ride platform in Lagos State contends that the pricing model was created to ensure drivers earn a specific daily income and claims they are currently making more than the intended amount.<sup>29</sup> Conversely, the report noted that drivers argue that the daily repayments and other costs, such as fuel expenses and commissions, leave them struggling to make ends meet. This discrepancy between the drivers' lived experiences and the company's assertions highlights the need for a re-evaluation of the working conditions and financial arrangements within Lagos Ride.<sup>30</sup>

As dissatisfaction among drivers grows, Lagos Ride needs to respond to the call for fairer working conditions and reassess their asset financing model. Drivers are hoping for a resolution that alleviates their financial burden and establishes a more equitable system that acknowledges their challenges and contributions. The situation of Lagos Ride drivers underscores the importance of addressing fair working conditions in the ride-hailing industry so as to ensure that drivers are provided with a sustainable and dignified livelihood.

**AS DISSATISFACTION AMONG DRIVERS GROWS, LAGOS RIDE NEEDS TO RESPOND TO THE CALL FOR FAIRER WORKING CONDITIONS AND REASSESS THEIR ASSET FINANCING MODEL**



# Workers' Stories

## Perception of Insecurity in Platform Work

**Priscilla\***, a female driver for one of the top ride-hailing platforms in Nigeria, has been driving with the platform since 2021. She joined the platform because she was unemployed and did not want to be idle. In the beginning when she started, it was difficult because she had to learn a lot of driving tricks and learn about the Lagos terrains a bit more. The commission, which started at 15% and is now 25% per trip, is too much according to Priscilla. Sometimes, it forces her to alternate with another ride-hailing platform which has a 9.5% commission. However, she doesn't get enough trips with this alternate platform.

While Priscilla can earn between N10,000 (\$12.50) to N15,000 (\$19.30) per day, before costs, it often means that she has to work very long hours, and it keeps her away from her family, which is not ideal, but helps with the bills. Priscilla often starts very early in the morning from 7am, and in most cases closes the app between 2pm and 4pm six days a week.

A key concern for Priscilla is the issue of insecurity on the job, especially because she's a woman. According to her, some passengers can be a source of potential insecurity on the platform. "Some riders can be very annoying. And me being a lady, I don't like carrying many guys for my own safety. If the guys are three or four, I will not pick them". This is a major precaution tactic for Priscilla to prevent herself from experiencing unfortunate incidents. She has experienced robbery twice, and still suffers post-traumatic stress disorder (PTSD) because of it. According to Priscilla, "The first time they robbed me, they broke my car windows and also took my phone early in the morning between 5:30 to 6:00am. The second time this happened to me, they only broke the car windows, and I ran away". If someone or anything touches or hits her vehicle, it still triggers these memories. She was not compensated by the platform for any of these incidents, despite them having occurred on the job.

Besides these, other challenges involve fatigue and body pains which can be due to working and sitting for long hours. Priscilla does not see herself working for many more years on the platform due to the high levels of risks and low protections for platform workers. One immediate thing she would like the platform to work on is to reduce the commissions so drivers can earn more.

**Nicholas\***, a ride-hailing platform driver, shared the experience of his friend, **Gideon\***, who has become permanently blind while working for a platform. In his story, Gideon was on a trip to the airport when robbers attacked him and his passenger. The passenger appeared to have been the target of the robbers. They shot Gideon in the eyes and ran off. After this incident, Gideon called and sent emails to the platform over and over; unfortunately, they did not respond to him for over a month. His family and friends supported him through various surgeries. After many weeks, the platform sent him a meagre amount of support. He has since remained blind, and regrets ever having chosen to work on that platform.





## The Issue of Double Taxation

In 2022, dispatch riders and logistic operators protested the double taxation by Lagos state and its agents. On each delivery, a rider is mandated to pay 7.5% VAT. Also, to operate in another state within the country, a rider is required to obtain another license and permit without which they cannot operate. In an online news article, one rider has argued that this requirement is onerous, likening it to being required to obtain a new driver's license in each state in which one drives.<sup>31</sup> They were also required to pay certain fees to more than one regulatory agency.<sup>32</sup>

**Adebola\***, a delivery rider shared his plight with us. He stated that the 7.5% VAT is split into two; the platform pays 3.75%, while he bears the burden of the other half. At the end of the day, after deducting costs, he struggles to earn a little above minimum wage. He is uncomfortable with the situation and hopes there will be a change. The situation is not unique to Adebola; it was one of the issues that came up at the stakeholder forum that we held earlier in the year and constitutes an area where workers feel unduly burdened and seeking regulatory intervention and redress.

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



# Insecurity in the Platform Economy: A Call to Improve Workers' Safety

Platform work is relatively risky, given that a platform worker may not know the kind of persons they will be dealing with. A worker might be unfortunate enough to fall into the hands of robbers, drug users, kidnappers or even hired killers. Despite the high level of insecurity in the country, platform workers courageously face the fear and make a living. According to the National Bureau of Statistics, 84 million Nigerians struggle with extreme poverty, surviving on less than \$1.9 per day, while 133 million Nigerians (63 per cent of the country's population) are multidimensionally poor.<sup>33</sup> Evidence from our study shows that most workers are not happy working on platforms but rather perceive the work as a means to an end, i.e., an avenue to escape hardship. On top of this, some workers may not even earn up to the Nigerian minimum wage of N30,000 (\$29) after deducting costs.

Some platforms made essential provisions for the security of workers. For instance, in many African countries, including Nigeria, ride-hailing platform workers have digital identities, i.e., real-time bio-information is given to users on the app, there is a rating system for worker/passenger evaluations, working time caps, panic buttons, and emergency contact numbers embedded in the app.<sup>34</sup>

Notwithstanding these basic security checks, insecurity persists in the Nigerian platform economy. A key to fighting insecurity in platform work is emphasizing the need to go through safety training. Although some platforms conduct online safety training, the effectiveness of this training is uncertain as, from the interviews, we found some workers are unaware of the use of the panic button and other safety

measures. For example, one of the interviewees in this study was adamant that the platform he worked for did not have a panic button, stating that there is no such thing as a panic button, and he has not seen one on the app. It, therefore, means that a lot of work is yet to be done in informing workers on the various security measures available. Moreover, quick and responsive communication regarding security measures is crucial, particularly when alerting security personnel. We recorded cases of workers trying to reach platforms for weeks after being harassed by law enforcement agents, deviant users and touts. These workers risk losing their lives and end up having to cancel orders in unfamiliar destinations or crisis-prone locations.

In an interview with us, Mohammed\*, a delivery rider, highlighted his experience of a particular day at work. He had gone to deliver a parcel to the customer, who pleaded with him to bring the parcel right to the house. Unknown to either party, the customer's dogs were on the loose, and they attacked Mohammed and injured him badly. Fortunately, the customer took him to the hospital, where he received treatment, and gave him some money. Mohammed informed his platform about this, and they never responded.

Also, during our stakeholder forum, Chioma\*, a female ride-hailing platform driver, narrated the story of a rough encounter. There is high driver demand in surge periods, and fares tend to rise. At the time of booking the ride, the fare was clearly shown on the app and both she and her passenger agreed to work at that rate. When they reached their destination, the estimated amount displayed on the app was much lower than the price initially displayed on the app. When Chioma asked the passenger to pay the fare they had seen and acknowledged, given that it would be a significant loss on her part to accept the lower rate, the passenger insisted that he would only pay the exact amount displayed on the app at that time. This led to a heated argument and the passenger resorted to violence and abusive words. In the end, he did not pay any fare at all. Chioma reported this incident to the platform. After two weeks of not getting any response, she gave up. This also points to the opaqueness of management by platforms where a fare displayed at the beginning of a trip changes at the end, leading to conflicts between the driver and passenger. How can platforms protect their workers when embedded algorithms create distrust?

Many workers have experienced violence, robbery and other challenging situations, albeit not as bad as Gideon's. Platforms should begin to profile their users and share those details with the worker, and the worker should not be penalized for not accepting a job for fear of their safety. Apart from emails, platforms should make provisions for meaningful human-led support with workers for faster and more effective communication.

Platform drivers in Nigeria have been calling for the verification of riders through the National Identification Number (NIN) or Bank Verification Number (BVN) to help reduce the risk of criminals accessing digital labour platforms.<sup>35</sup> However, the porous identification infrastructure in Nigeria remains an underlying causal factor for the lack of proper integration of a system to identify passengers. The decentralized identification system, based on SIM card registration through telcos, NIN issuance and BVN capturing, signals the need for a more robust system. For example, in 2019, the National Identity Management Commission's (NIMC) Director-General highlighted that only 36 million of approximately two hundred (200) million Nigerians possessed a NIN.<sup>36</sup> Further compounding this problem is the poor addressing system. The Nigeria Post and Telecommunications Service (NIPOST) reports that only a fifth of the population can receive mail at home.<sup>37</sup>

Regardless, if platforms can effectively track down driver culprits using the platform technology, then they can do the same for passenger culprits, which means that enhanced security remains a possibility for platforms regardless of the structural challenges in Nigeria. One example of such a practice is provided by The Black Ride in Ghana, which has implemented strict passenger profiling via the app before any trip begins.<sup>38</sup>

For the second year running, the lack of safety and security in the Nigerian platform economy remains a critical concern for the platform workers we interviewed. This indicates that platforms still have a lot of work to do to internalise the principles of Fairwork, especially to improve the working conditions of all platform workers in Nigeria.

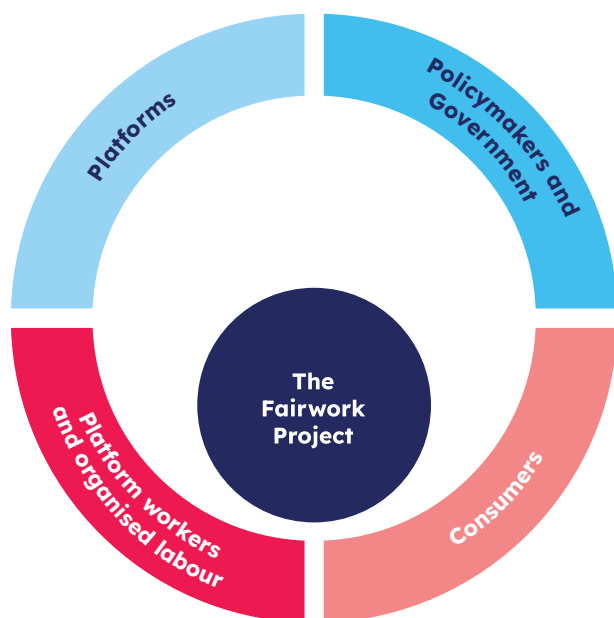


## MOVING FORWARD

# Pathways of Change

This is the second year of Fairwork Nigeria ratings. We focused on five ride-hailing platforms and seven delivery platforms. We recorded low ratings for almost all of the platforms due to insufficient evidence of compliance with ethical labour practices based on the five Fairwork principles: Fair Pay, Fair Conditions, Fair Contract, Fair Management and Fair Representation. We continue to call on platforms and other stakeholders to commit to advancing and promoting fairness in the platform ecosystem. As Fairwork's reach and visibility increase, we see four avenues for contributing to the continued improvement of the Nigerian platform economy (See Figure 2).

Figure 2: Fairwork's Pathways to Change



### Platforms

To improve the working conditions of digital labour platforms in Nigeria, our approach has been to engage directly with these platforms, beginning in Lagos, the country's main commercial city. The platform response was slightly better this scoring round, and we engaged successfully with three of the 12 platforms evaluated this

year. Immediately after the launch of our 2022 report,<sup>39</sup> we organised an online stakeholder forum with attendees from various sectors, including platform management staff, transport unions, consulting, education, media, etc. During the stakeholders' forum, we deliberated extensively about the need to improve the working conditions of workers. We are hopeful that further engagement and advocacy by Fairwork can bring about the advancements we are advocating for.

### Consumers

We believe that, given the opportunity to make more informed choices, many consumers will choose the most ethical option when faced with a choice between a poor scoring platform and a better-scoring one. Through our yearly rating system, consumers can select the highest-scoring platform operating in a sector, which creates pressure on platforms to improve their working conditions and scores. While the scores have generally been extremely low this year, the aim will be to encourage platforms to improve through our engagement and research, leading to better scores and increased consumer support for platforms in Nigeria. By leveraging consumer solidarity with workers' allies, we aim to advocate for fairer working conditions. Our ratings serve as a reference for institutions and companies that want to ensure they support platforms with fair working conditions.

This is also a critical aspect of the Fairwork Pledge, highlighted in the subsequent sections. Some platforms are already aware of our research and have expressed a willingness to improve their performance following our analysis of worker responses.

### Policymakers and regulators

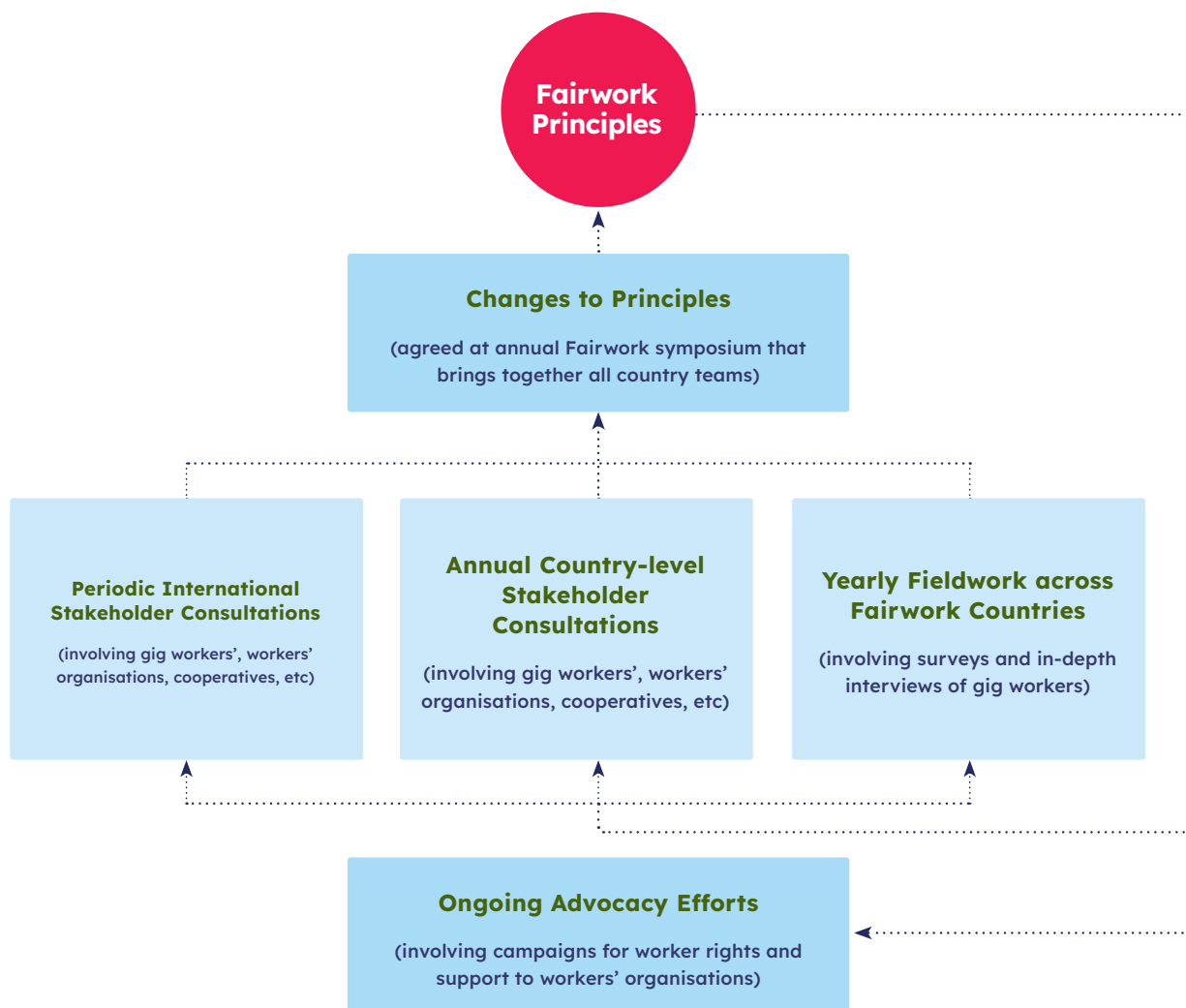
We work with policymakers and government officials to advocate for appropriate legal protections for all platform workers, regardless of their legal classification. The foremost issue that policymakers should pay attention to is the provision of adequate and meaningful protections

for workers irrespective of their employment classification. This should also extend to social protections such as overtime compensation, health insurance, accident insurance, and maternity and paternity benefits. Moreover, existing mechanisms such as minimum wage should be updated to reflect economic realities. The current monthly minimum wage in Nigeria can barely provide weekly meals for a family of two. Over the past year, Fairwork has met with members of transport unions, civil servants, and legal practitioners to provide guidance on regulating digital labour platforms in Nigeria.

The changes to poor working conditions should begin with the reevaluation of the Nigerian Labour Act to fully encompass platform or gig workers and should contain the necessary instructions for platforms to abide

by. Policymakers can introduce basic and mandatory social protection benefits that are stipulated in the law. In addition, policymakers should ensure that platforms pay workers at least the minimum wage for all their active hours worked, based on implementing policies on pay for platform workers.

*Figure 3: Fairwork Principles: Continuous Worker-guided Evolution*





## Platform workers and worker associations

Fairwork's fifth principle on Fair Representation emphasises the need for workers to have a voice. This is achievable by establishing a union to lobby regulatory bodies on implementing policies that hold platforms to account. Since the approval of the registration of AUATWON, Fairwork has engaged with workers and union representatives through our stakeholder workshops and worker interviews.

Fairwork's model places workers and their organisations at the centre of its approach (Figure 3). First, the principles are developed and continuously refined through close consultation with workers and their representatives. Feedback from stakeholder workshops, consultations involving workers, and our fieldwork data inform how we systematically develop the Fairwork principles to remain in line with worker needs.

Second, through continuous engagement with worker representatives and advocates, we aim to support platform workers in asserting their collective rights and the quest for recognition.<sup>40</sup> The AUATWON union tells us they are working on initiatives to improve the Nigerian platform economy. In June 2023, they declared a nationwide strike demanding a 200% increase in the price per kilometre and a reduction in the commission taken by the platform. They also insisted that platforms should reopen the accounts of blocked drivers who were not granted the opportunity of a fair hearing. We trust that the union will continue to organise programmes and training for all members to create awareness and to educate all workers so that they can responsibly manage their own earnings and their careers in the platform economy.

A key challenge in the platform economy is that workers are often isolated, atomised, and placed in competition with one another. Since 2017, it has been a challenge for platform worker associations and other collective groups to form a trade union. Furthermore, regulatory frameworks do not readily support platform workers establishing representative bodies such as trade unions, as they are considered self-employed or independent businesses. As such, the platform work model presents challenges for workers to connect and create solidarity networks. One reason is the technicalities in getting approval from the federal government, especially surrounding a minister's recommendation and government approval. The second

challenge is the inability to recognise more than one unit within a particular sector. For example, earlier plans by the National Union of Professional App-based Transport Workers (NUPABW) to form a union were challenged by the regulatory bodies who argued its lack of distinctiveness from the National Union of Road Transport Workers (NURTW) body, which has existed since 1978.

Following the establishment of the AUATWON collective workers union by the government in early 2023, platforms have still not officially recognised workers. The union has continued to build momentum by engaging in protests and strikes for platforms to adjust their prices and commissions because of the hike in fuel costs and overall high cost of living. If policymakers establish laws that prompt platforms to officially recognise platform workers, in scenarios such as these, a tripartite meeting across worker representatives, policymakers, and platforms will provide a viable solution for everyone. However, while platforms such as Uber and Bolt highlight that drivers are free to form unions, they have expressed that drivers remain independent contractors and are not qualified to belong to a registered trade unions according to the Nigerian labour law.<sup>41</sup>

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today's platform economy – paints a picture of what it could become.

**THE FOREMOST ISSUE THAT POLICYMAKERS SHOULD PAY ATTENTION TO IS THE PROVISION OF ADEQUATE AND MEANINGFUL PROTECTIONS FOR WORKERS IRRESPECTIVE OF THEIR EMPLOYMENT CLASSIFICATION**

# The Fairwork Pledge

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

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. We are proud to announce that we have five official Fairwork Supporters in Nigeria: Lagos Business School, News Agency of Nigeria (NAN), SRJ Legal Firm, Amalgamated Union of App-Based Transport Workers of Nigeria (AUATWON), and National Information Technology Development Agency (NITDA). 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**



## 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>42</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>43</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>44</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 January 2023 and July 2023, and are valid until July 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	 2
 <b>Principle 2: Fair Conditions</b>	 Mitigates task-specific risks	 Provides a safety net	 2
 <b>Principle 3: Fair Contracts</b>	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	 2
 <b>Principle 4: Fair Management</b>	 Provides due process for decisions affecting workers	 Provides equity in the management process	 2
 <b>Principle 5: Fair Representation</b>	 Assures freedom of association and the expression of collective worker voice	 Supports democratic governance	 2

Maximum possible Fairwork Score





## Principle 1: Fair Pay

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

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.<sup>45</sup> Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.<sup>46</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>47</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>48</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>49,50</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>51</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>52</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>53</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>54</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>55</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>56</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>57</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>58</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>59</sup>

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- 45 Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.
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the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.” Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO’s Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

**47** In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs 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.

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

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

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

**51** 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.

**52** 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.”.

**53** 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.

**54** 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.

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

**56** 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.

**57** 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.”

**58** 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.

**59** 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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## Authors

Kemi Ogunyemi, Amaka Anozie, Chinyere Emeshie, Chiwenmeri Mama, Ogechi Obiorah, Daniel Arubayi, Mark Graham.

## Fairwork Team

Jana Ababneh, Eisha Afifi, Wirawan Agahari, Pablo Aguera Reneses, Iftikhar Ahmad, María Belen Alborno, Luis Pablo Alonzo, Oğuz Alyanak, Hayford Amegbe, Branka Andjelkovic, Marcos Aragão, María Arnal, Arturo Arriagada, Daniel Arubayi, Sami Atallah, Tat Chor Au-Yeung, Ahmad Awad, Adam Badger, Meghashree Balaraj, Joshua Baru, Ladin Bayurgil, Ariane Berthoin Antal, Alessio Bertolini, Sudeep Bhargava, Wasel Bin Shadat, Virgel Binghay,

Ameline Bordas, Maren Borkert, Álvaro Briaes, Joe Buckley, Callum Cant, Rodrigo Carelli, Eiser Carnero Apaza, Eduardo Carrillo, Maria Catherine, Chris King Chi Chan, Henry Chavez, Hussein Cheaito, Ana Chkareuli, Andrea Ciarini, Antonio Corasaniti, Pamela Custodio, Adriansyah Dhani Darmawan, Kavita Dattani, Olayinka David-West, Janine De Vera, Luisa De Vita, Alejandra S. Y. Dinegro Martínez, Brikena Kapisyzi Dionizi, Ha Do, Matias Dodel, Marta D'Onofrio, Elvira Drishti, Veena Dubal, James Dunn-Willimason, Khatia Dzakumashvili, Dana Elbashbishi, Batoul ElMehdar, Elisa Errico, Úrsula Espinoza Rodríguez, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Farah Galal, Jackeline Gameleira, Pia Garavaglia, Chana Garcia, Navneet Gidda, Shikoh Gitau, Slobodan Golusin, Eloísa González, Mark Graham, Rafael Grohmann, Martin Gruber-Risak, Khadiga Hassan, Richard Heeks, Teona Henderson, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Nur Huda, Huynh Thi Ngoc Tuyet, Francisco Ibáñez, Neema Iyer, Tanja Jakobi, Athar Jameel, Abdul Bashiru Jibril, Ermira Hoxha Kalaj, Raktima Kalita, Zeynep Karlidag, Lucas Katera, Mishal Khan, Bresena Dema Kopliku, Maja Kovac, Anjali Krishan, Martin Krzywdzinski, Amela Kurta, Ilma Kurtović, Morad Kutkut, Tobias Kuttler, Arturo Lahera-Sánchez, Jorge Leyton, Georgina Lubke, Bilahari M, Raiyaan Mahbub, Wassim Maktabi, Oscar Javier Maldonado, Laura Clemencia Mantilla León, Claudia Marà, Ana Flavia Marques, Margreta Medina, Nacef Mouri, Jamal Msami, Hilda Mwakatumbula, Beka Natsvlishvili, Mounika Neerukonda, Ana Negro, Chau Nguyen Thi Minh, Sidra Nizambuddin, Claudia Nociolini Rebecchi, Bonnita Nyamwire, Mitchell Ogolla, Oluwatobi A. Ogunmokun, Frederick Pobee, Caroline A Omware, Nermin Oruc, Christian Nedu Osakwe, Balaji Parthasarathy, Francesca Pasqualone, María Inés Martínez Penadés, Leonhard Plank, Frederick Pobee, Valeria Pulignano, Jack Linchuan Qiu, Jayvy R. Gamboa, Ananya Raihan, Antonio Ramírez, Juan-Carlos Revilla, Alberto Riesco-Sanz, Nagla Rizk, Moisés K. Rojas Ramos, Federico Rosenbaum Carli, Cheryll Ruth Soriano, Julice Salvagni, Derly Yohanna Sánchez Vargas, Maricarmen Sequera, Murali Shanmugavelan, Aditya Singh, Shanza Sohail, Janaki Srinivasan, Anna Sting, Zuly Bibiana Suárez Morales, David Sutcliffe, Ainan Tajrian, Dinh Thi

Chien, Kristin Thompson, Kiko Tovar, Funda Ustek Spilda, Jonas Valente, Giulia Varaschin, Daniel Vizuete, Annmercy Wairimu, Jing Wang, Robbie Warin, Nadine Weheba, Najlae Zhani and Sami Zoughaib.

### External scoring reviewers

Murali Shanmugavelan and Mounika Neerukonda

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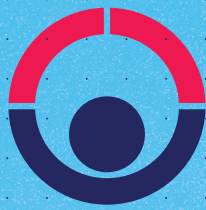


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