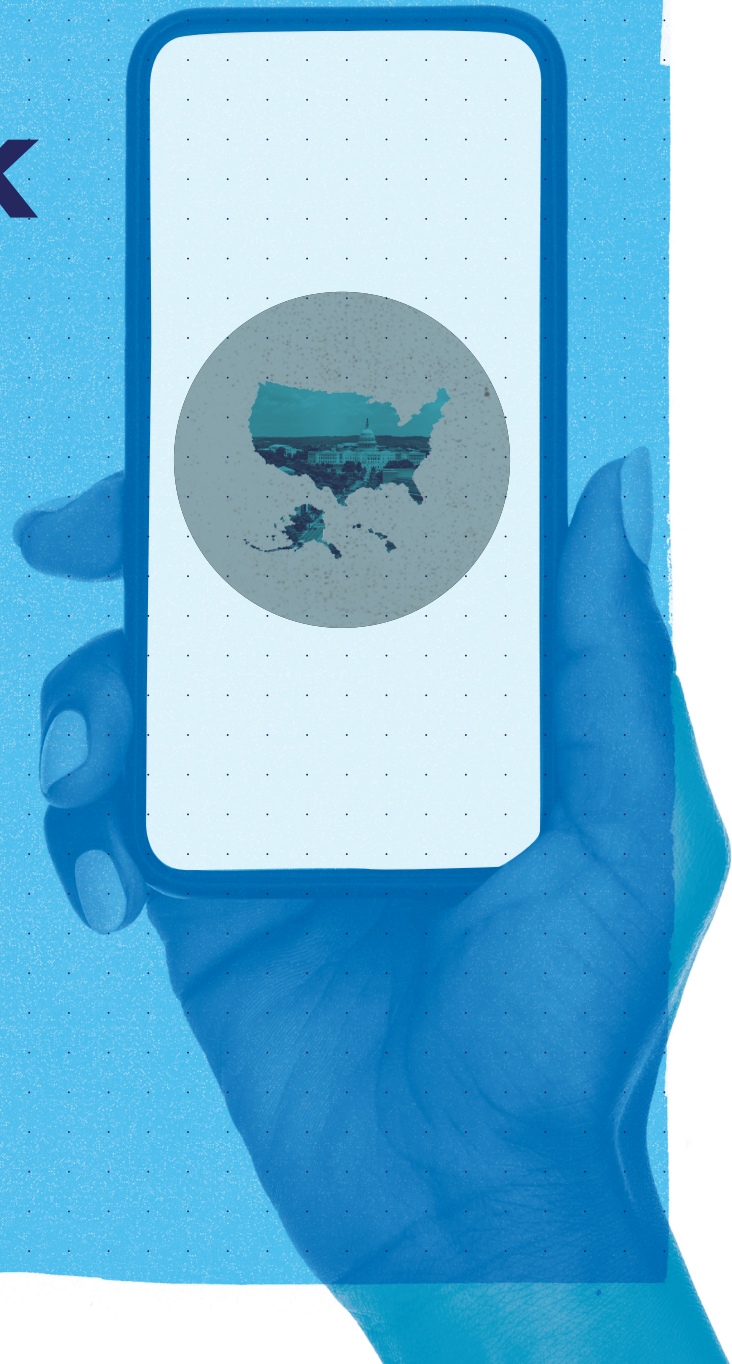


Fairwork

**A CRISIS OF SAFETY AND FAIR WORK
IN A RACIALISED PLATFORM ECONOMY**

Fairwork United States Ratings 2023



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Executive Summary

In this report we detail the findings from the 2022-2023 Fairwork United States (US) research. This report assesses 13 of the largest digital labour platforms in the US against five principles of Fairwork—Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation—that were developed through extensive research and consultations with a variety of stakeholders including scholars, trade unions and worker groups, and local teams in 38 countries.

Each principle has two thresholds, enabling platforms to receive a maximum score of ten. Digital labour platforms in the ride-hailing, delivery, domestic work, elderly care, and warehousing sectors across six different cities are examined, and the research assesses different employment models: platforms hiring workers as employees and as independent contractors.

Research findings indicate that none of the digital labour platforms assessed for this research are taking adequate measures to guarantee minimum thresholds of decent work to their workers. Nevertheless, there was some important variation. Three of the platforms we examined were awarded 2 points: Alto, a new ride-hailing platform that hires workers as employees; Bluecrew, a startup in the warehousing/temp work sector that also hires workers as employees; and Papa, an elderly care platform that recently implemented several policies to improve working conditions on their platform. Fairwork was unable to award any points to the other platforms rated in the US this year.

This report underscores that as an increasingly important part of the economy, platform work is not inherently good or bad: alternative models exist but they must be supported by policy makers, consumers, and investors. The research findings indicate that those digital labour platforms attempting to experiment with alternative business models are facing tough competition in markets across the country. While employment classification is not in and of itself a panacea to precarious working conditions, platforms hiring

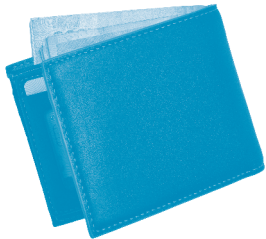
workers as employees come closer to fitting Fairwork principles than independent contracting models.

This report pays particular attention to race as a structuring feature of the platform economy in the US context—also highlighting gender and immigration status as important factors. However, there are widespread safety concerns that all workers are facing, including the threat of gun violence, interacting with strangers in homes or in vehicles, and limited recourse to human representatives in the event of an emergency.

The timing of this report is significant. Platform workers in the US have been protesting low earnings, ongoing safety concerns, and unfair terminations across the country. In addition, there is currently a slate of new legislation with important implications for platform workers under consideration at the federal and state levels. This report offers evidence that without significant rights or protections, platform workers face conditions in the US that fall well below global standards of fair work.

NONE OF THE DIGITAL LABOUR PLATFORMS ASSESSED FOR THIS RESEARCH ARE TAKING ADEQUATE MEASURES TO GUARANTEE MINIMUM THRESHOLDS OF DECENT WORK.

Key Findings



FAIR PAY

Platform workers are often required to pay a significant proportion of costs out-of-pocket in order to do their work.

Only two platforms, Alto and Bluecrew, of the 13 platforms assessed this year, were able to guarantee that their workers earn the minimum wage after costs, and both hire their workers as employees. None of the platforms assessed currently guarantee the local minimum *living* wage for workers—a higher threshold that considers the actual costs that workers need to live in a particular city.



FAIR CONDITIONS

Platform workers frequently encounter a number of risks in the course of their work and need access to a safety net in the event they are injured and unable to work.

Three of the 13 platforms assessed—Alto, Bluecrew, and Papa—take adequate steps to mitigate the worst aspects of these risks. Some platforms have taken steps to offer workers insurance, however, the terms of the insurance fell short of providing an adequate safety net for workers in the event of injury or harm sustained in the course of work.



FAIR CONTRACTS

Very few platforms were able to demonstrate that their workers actively consent to and have continuous access to the terms and conditions and to any privacy policies governing their work.

Of the platforms assessed, only Papa has committed to translating contracts into Spanish. Given the universal prevalence of class action waivers, mandatory arbitration clauses, and limited liability clauses in workers' contracts, we were unable to evidence that any of the 13 platforms assessed provided contracts or terms that do not include unfair clauses or provisions. The presence of all these clauses together creates particular disadvantages for platform workers in the US.



FAIR MANAGEMENT

In addition to low pay, algorithmic management of workers creates a set of challenges for workers including arbitrary deactivation, fines, and disciplinary action, with workers rarely having access to due process or recourse.

We were unable to evidence that any of the platforms assessed put transparent systems in place to manage deactivations or terminations. Similarly, none of the platforms could be evidenced to have adequate equity, diversity, and anti-discrimination policies in place to address racial, gendered, or other forms of inequity while doing the work.



FAIR REPRESENTATION

None of the 13 platforms assessed guarantee freedom of association or have officially recognised any worker bodies as collective units that they are willing to negotiate with.

In fact, independent contractors are liable to being sued under antitrust laws for engaging in collective action under current laws in the US.



Editorial

This report introduces the results of Fairwork’s pilot year of research activities in the US—ground zero for the global platform economy. In 2021, the Pew Research Center found that 16 percent of Americans have earned an income from working on platforms.¹ This number has likely only increased in the years since.²

This first round of scoring, which ran from 2022-2023, saw several important trends: the proliferation of platform work into new sectors of the economy particularly in care occupations, protests from worker groups about pay, safety, and working conditions, and an increasingly competitive market facing platforms that hire workers as employees and are attempting to offer some benefits to their workers.

Amidst a political environment where workers across the board are fighting for better pay and control over their futures, platform workers in particular are still struggling for basic rights like minimum wage guarantees, unionisation rights, and safe working conditions. Fairwork researchers heard workers voice concerns about personal safety, a variety of forms of unpaid labour, uncertainty in earnings, vehicle maintenance costs, and unfair deactivations. These concerns and work experiences were articulated amidst a turbulent economic environment. Workers in the US have been quitting their jobs in record numbers and inflation has resulted in a cost-of-living crisis—hitting low-wage workers the hardest.

RACIAL IDENTITY SIGNIFICANTLY IMPACTS HOW WORKERS EXPERIENCE PLATFORM WORK—ESPECIALLY AS IT PERTAINS TO THEIR SAFETY.

The first year of Fairwork research kicked off with an in-person workshop in New York City. The event brought together some of the most prominent voices—worker activists, regulators, and academics—who have long been at the forefront of fighting for better working conditions for

platform workers in the US. Experts pointed out the growing precarity of platform work in the country, the dangers of company unionism, and the role of technology in both surveillance and data extraction over and from workers. Activists voiced particular concern about the proliferation of platform work to newer sectors of the economy, including in hospitality, hospital staffing, and home care.³

Listening carefully to these insights, the Fairwork team designed an ambitious project. In addition to the more familiar ride-hailing and delivery platforms, researchers also focused on domestic work (cleaning), elderly care, and warehousing platforms. The research analysed 13 major platforms across five sectors, involved travelling to six states, and covered platforms that hire workers both as independent contractors (which are sometimes referred to as 1099 workers based on the US tax form code used to record earnings from non-employment income), as well as those platforms hiring workers directly as employees (which are sometimes referred to as W2 workers based on the specific US tax form code for this group). Recruitment of interviewees was done both online and in person, as Fairwork researcher Dr. Mishal Khan travelled across the country to observe how the platform economy operates in a variety of urban, legislative, and political environments. A great deal of media attention and research focuses on the large metropolitan cities of the East and West Coasts. In contrast, Fairwork US research targeted large and medium metropolitan cities in the South (Atlanta and Dallas), rustbelt cities in the Midwest (Detroit and Milwaukee), as well as the better-known contexts of New York City and Los Angeles.

One of the key takeaways from the first year of Fairwork US research is the significance of race as a structuring feature



of the platform economy. Scholars and activists have long argued that digital labour platforms rely predominantly on Black and Brown workers, who have been traditionally disadvantaged in the labour market. The findings of this research support the work that Professor Veena Dubal and others have done examining how platform work is ushering in a new era, eroding basic labour protections that were fought for and won by organised labour in the twentieth century.⁴ These legal carve outs disproportionately affect workers of colour who tend to make up the majority of the workforce in these jobs. Further, the cities included in the research are some of the most racially segregated in the nation. Understanding how the platform economy operates in these contexts is a crucial part of the US story. The findings of the research indicate that racial identity significantly impacts how workers experience platform work—especially as it pertains to their safety.

While the report highlights how race structures platform work, safety emerged as a vital issue facing all workers in the platform economy. Workers mentioned harassment by law enforcement, car accidents, feeling unsafe in the homes they work in, encouragement to drive in bad weather, being distracted by the app interface, and pressure to speed. Accounts of gun violence came up with alarming regularity in the interviews. Workers—particularly in the ride-hail and

delivery sectors—shared that customers carried guns, that gun violence on the roads was unexceptional, and that some workers saw carrying a gun as imperative for their own personal safety. Concerns about safety were, furthermore, highly gendered. Female workers reported relying on their partners to accompany them while they performed work on the app—thereby using the labour of two individuals rather than one due to the dangerous nature of the work. Many women also reported unsafe encounters with male customers whether in homes they work in or on the road.

The findings also indicate that some digital labour platforms are trying to explore new business models by hiring their workers as employees and providing better working conditions. However, many of these platforms are struggling financially, facing tough competition from massive tech platforms that undercut labour laws and hire workers as independent contractors. It was difficult to find platforms that hire their workers directly as employees that were also thriving in multiple markets across the country. Many, particularly in the delivery sector, have closed their doors despite a few years of initial success.⁵ EatStreet, a food delivery platform based in Madison Wisconsin that offers benefits to workers and hires them as employees, was exemplary of this trend. As described in more detail below, EatStreet was highly successful before and during

the pandemic but earlier this year reported experiencing financial challenges. Other platforms such as Hello Alfred started out in 2015 by hiring their workers as employees and offering benefits, overtime, and opportunities for progression on the platform.⁶ However, in most markets Hello Alfred has restructured their operations in the last year away from hiring workers directly towards partnering with local businesses to offer services.⁷ This trend is concerning as evidence from worker interviews demonstrates that platforms that hire their workers as employees come closer to Fairwork's principles than those hiring workers as independent contractors.

SIGNIFICANTLY, WE FOUND THAT MOST WORKERS WHO WERE HIRED AS EMPLOYEES (W2) EXPERIENCED ON-THE-JOB AUTONOMY AND WERE SATISFIED WITH THEIR SCHEDULING FLEXIBILITY.

This finding underscores that flexibility and autonomy, typically associated with independent contracting models, is also possible within platforms that hire their workers as employees. Given the fact that workers of employee-based platforms stated overall that they felt safer, more financially secure, and less precarious, the fact that these platforms face stiff competition from platforms offering very few rights should be of concern to regulators and policy makers.

Several common features of platform work contracts in the US negatively impact workers. For example, the research reveals that limited liability clauses, class action waivers, and mandatory arbitration provisions exist in almost all platforms' terms of service or contracts. These clauses severely curtail the ability of workers to hold platforms accountable for accidents, wage theft, improper deactivation, and other violations that workers should be entitled to seek compensation for under US labour law. The research also indicates that in the US, city and state governments have often been at loggerheads over how to regulate digital labour platforms, with platforms spending exorbitant amounts on lobbying for legislation that is more conducive to their business model, creating a contentious environment for regulators and worker activists.

The findings of this research offer important lessons for policy makers. First, in the absence of labour law enforcement, very few platforms are making adequate efforts to invest in the safety and overall fair working conditions for the essential

workers that power their platforms. Second, platform work is not inherently good or bad per se—alternative models exist and must be encouraged. Finally, improving working conditions on platforms is not simply a pressing economic inequality concern but also a vital racial justice issue.

Fairwork US team

Veena Dubal, Mishal Khan, Funda Ustek-Spilda, and Mark Graham

Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital labour platforms. Our ratings are based on five principles that 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

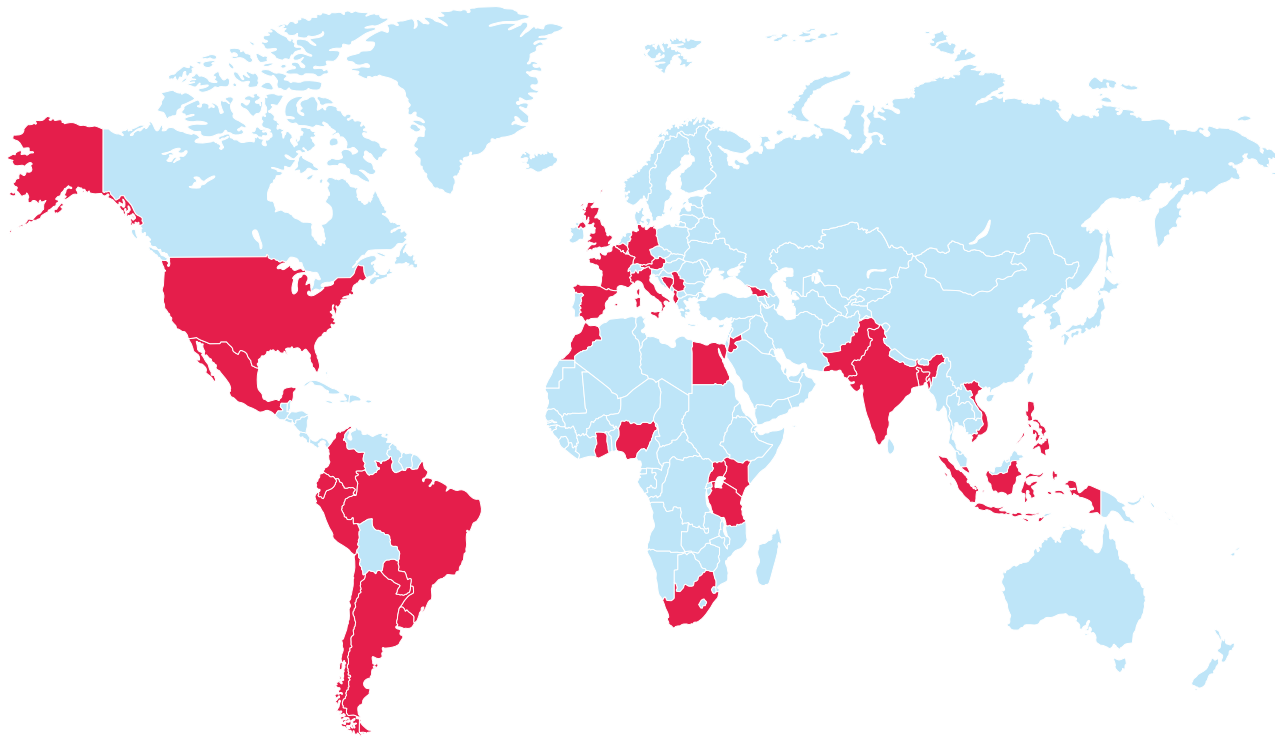


Figure 1: Map of Fairwork Countries

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, Serbia, Spain, UK

SOUTH AMERICA

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

NORTH AMERICA

Mexico, US

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 US 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.



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. 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 five Fairwork principles. In order to qualify for the interviews, workers had to be over the age of 18. All interviews were conducted in English or Urdu



based on language capacity of the research team.

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 second point that can only be awarded if the first 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

Regulating Silicon Valley: Home of the Global Platform Economy

City, state, and federal level regulators have faced formidable challenges as they seek to curb the power of Silicon Valley and the many technology giants that have exploded onto the scene over the last decade. Determining whether workers on platforms should be classified as either independent contractors or as employees has been at the centre of ongoing battles between workers, platforms, and regulators. Misclassification has been rampant across many industries in the US for decades, particularly in the construction, janitorial, and delivery sectors.

However, understanding how algorithmically determined pay structures, algorithmic management, and new forms of technology-enabled surveillance impact or should impact employment classification has been a challenge for policy makers. Labelling their businesses as “technology enabled marketplaces”, coupled with claims that the work offers flexibility and freedom, digital labour platforms have made enormous profits by skirting labour laws, successfully obfuscating the reality that platform work is underpaid, excessively monitored, and dangerous.

California was the first state to attempt to address how labour platforms subverted labour law. In 2019, the California State Legislature passed Assembly Bill 5—creating a presumption of employment and establishing a simple test

that would have resulted in the reclassification of hundreds of thousands of workers labouring for major platforms as employees. However, in one of the most controversial popular ballot initiatives in US history, Uber and Lyft—both major ridesharing platforms in the US—as well as DoorDash and Instacart—major food delivery platforms—worked together with other major platforms to develop Proposition 22 (Prop-22). These platforms threw a record breaking \$224 million into passing the bill. After months of lobbying, campaigning, and bombarding the public with what some observers called “misrepresentations” about Prop-22 and how it would affect workers, the platforms succeeded in passing the bill. A lower court found Prop-22 unconstitutional in 2021,⁸ and the law is currently being considered by the California Supreme Court.⁹ The future of the rule remains uncertain, even as workers

have been protesting against it. A report by National Equity Atlas from September 2022 definitively concluded that two years after Prop-22, working conditions and pay for platform workers in California are more precarious than ever.¹⁰

In the last two years further attempts to initiate Prop-22-like laws that grant workers limited concessions in exchange for solidifying their status as independent contractors have been ongoing across the nation. Much of the struggle has been between state and city level governments. Uber and other platforms have thrown massive resources into lobbying at the state level to pre-empt progressive city regulators. This has seriously hamstrung the efforts of city governments to reign in the power of these platforms in the metropolitan areas they control.¹¹

AS THE HOME OF SOME OF THE LARGEST GLOBAL PLATFORM COMPANIES, MAKING PLATFORMS ACCOUNTABLE TO THEIR WORKERS IN THE US WILL HAVE SIGNIFICANT IMPACTS ON SHIFTING NORMS IN THIS GROWING SECTOR GLOBALLY.

A similar ballot initiative to Prop-22 was introduced in Massachusetts, but defeated in large part due to the organisation efforts of labour groups like Massachusetts is Not for Sale, and the efforts of the Massachusetts District Attorney.¹² However, last year the Washington State legislature passed HB 2076, a bill that granted limited protections to Transport Network Company (TNC) workers (including a non-time based pay standard), but enshrined their status as independent contractors. The bill permanently pre-empted the city of Seattle from being able to pass legislation governing workers in the TNC sector.¹³

At the federal level, under the Biden administration, digital labour platforms have come under increased scrutiny. The Federal Trade Commission (FTC) put platforms on notice in September 2022 by issuing a policy statement promising to protect gig workers from unfair pay and contracts.¹⁴ In October of 2022, the Department of Labor (DOL) published a proposal that would reverse a Trump-era rule that lowered the bar for classifying workers as independent contractors.¹⁵ After a delay, the final version of this proposed classification

rule is scheduled to be released in October 2023.¹⁶ Another potentially important change on the horizon is the Protecting the Right to Organize, or PRO Act, which passed in the US House of Representatives in 2020 and 2021, but currently faces steep opposition in a Republican-controlled Senate.¹⁷ Among other progressive changes designed to update labour laws in the US, the PRO Act would institute the much more expansive ABC test, which is used in some states to determine the classification of workers as employees versus independent contractors, for the purpose of collective bargaining and the right to organise.¹⁸

There have been other major victories for fairer working conditions across the country. In May 2023 the San Francisco District Attorney announced a \$6 million settlement and a permanent injunction against the cleaning platform Handy, protecting workers from ongoing attempts at misclassification.¹⁹ In California, workers labouring for Handy will now be able to set their own rates and contact customers without restrictions, making them more like genuine independent contractors. In June 2023, the National Labor Review Board (NLRB) released a decision referred to as Atlanta Opera Inc. which overturned another Trump-era ruling that had expanded the definition of independent contractor.²⁰

The timing of this research could not be more significant as it offers clear evidence that in the absence of employment and labour law enforcement, platforms leave workers to fend for themselves, resulting in a safety crisis. As the home of some of the largest global platform companies, making platforms accountable to their workers in the US will have significant impacts on shifting norms in the platform economy globally. It is thus imperative that regulators, shareholders, investors, and the public do their part to demand better working conditions for the people who perform the essential services that many of us have come to rely on.

Growing unrest

Since the pandemic there have been worker strikes and agitation in sectors and companies across the board—from airport, hospital, Starbucks, UPS, and Amazon workers, to most recently screenwriters and actors in Hollywood. Workers are protesting a combination of new and old issues: low pay, the increased “gig-ification” of their work, and the threats of technology. Cornell University’s Labor Action Tracker, which keeps an online record of all organised labour activities in the country, recorded an upsurge in the number of strikes in 2022 from previous years—with 2089 labour

strikes and protests reported between January 2021 and the time of writing this report in July 2023.²¹ Platform workers too have shown up in impressive numbers to protest terrible earnings, lack of safety, and unfair deactivations.

Undertaking collective action and organised strikes is risky for platform workers. Under current US antitrust law, as independent contractors, workers who choose to strike risk being sued for participating in price collusion.²² While recent rulings and statements by the FTC have indicated that independent contractors may too be included in the “labour-dispute” exception from these antitrust actions, the law in this area is still murky. Paired with the fact that most workers perform work alone in city streets, grocery store aisles, in homes, or in warehouses, organising such a dispersed workforce is challenging.

Still, workers have persevered in raising their voices in protest—even though they risk their livelihoods by doing so. In New York, Los Deliveristas Unidos have gained massive victories by pushing for unrestricted bathroom access, the right to see their delivery routes before accepting a delivery, free delivery bags, and guaranteed weekly payments. This year they won the first wage floor for delivery workers in the country.²³ However, despite the fact that the final legislation created a wage guarantee that was still below the living wage, DoorDash, GrubHub, Uber, UberEats, and Relay sued the NYC mayor’s office in response. The new rule was stayed by a New York State judge just days before the new pay scale was supposed to go into effect.²⁴ Similarly, the New York Taxi Workers Alliance (NYTWA) came out on the streets in protest last year when a New York State Supreme Court judge halted the New York Taxi and Limousine Commission’s (TLC) proposed wage increase.²⁵ In California, Rideshare Drivers United (RDU) continue to hold frequent protests and actions to bring attention to decreased earnings, terrible working conditions, and unfair deactivations under Prop-22.²⁶

The fact that workers are organising in California and New York is exciting and can potentially bring crucial gains for better working conditions in the platform economy. However, in collecting data for this report, the Fairwork team also wanted to bring attention to the rest of the US by spending time with workers in environments where organising is non-existent. These legal battles seem far off and removed for example from the Lyft driver in Dallas who simply wants to be able to earn as much as she did at the beginning of the year, or the Handy worker in Atlanta who is grateful for the work, but who spends a lot of time and energy trying to make sure she is

not putting herself in danger. In many cities, the independent contractor claims of platforms are uncontested. The ideology of entrepreneurialism and purported independence reflect the ethos of emerging (or “re-vitalising”) metropolitan areas such as Detroit where many feel like organised labour and the state has failed them. Much work remains to understand the specific situations, needs, and demands of workers across the country.

Finally, there are varying opinions among representatives of organised labour about the best way to procure maximum gains for platform workers. For example, the Washington Bill (HB 2076 referenced above) was supported by the Teamsters local 117 in Seattle, but vehemently opposed by Sean O’Brien, the President of the National Teamsters Union, who said the bill created a money-grabbing association for the local union and allowed Uber to “skirt their obligation under the employee relationship.”²⁷ The New York Taxi Workers Alliance (NYTWA) has been bringing together taxi workers, black car, limousine drivers, and ride-hailing workers together to fight for better working conditions in the industry as a whole. However, this unity does not exist across the board as the Machinists Union affiliated Independent Drivers Guild (IDG), a group that was initially funded by Uber and Lyft, has supported compromise bills in a variety of contexts. While worker groups may have differing visions for the future of the platform economy, all agree that platform workers need more rights and protections than they currently have.



Fairwork United States Ratings 2023

Minimum standards of fair work

Alto	2 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Bluecrew	2 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Papa	2 /10	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
DoorDash	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
EatStreet	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
GrubHub	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Handy	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Instacart	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Lyft	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Shipt	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
TaskRabbit	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Uber	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Wonolo	0 /10	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

WWW.FAIR.WORK/US

Explaining the scores

Three ride-hailing platforms (Alto, Uber, and Lyft), five delivery platforms (EatStreet, DoorDash, GrubHub, Instacart, and Shipt), two domestic work platforms (Handy and Task Rabbit), two warehousing/temporary staffing platforms (Wonolo and Bluecrew), and one elderly care platform (Papa) were examined this year. The platforms were awarded between null and 2 points out of 10, with Alto, Bluecrew, and Papa scoring 2 out of 10.



Fair pay

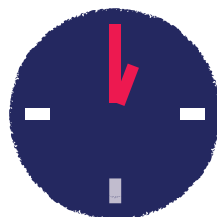
To receive the first point, platforms need to ensure that all workers earn at least the minimum hourly wage after labour costs. In addition, they need to show that all workers are paid on time and in full.

Only two platforms, Alto and Bluecrew, are able to guarantee that their workers earn the minimum wage after costs, and both these platforms hire their workers as employees. In order to determine whether platforms meet this threshold in the US as a whole, the significant variation in minimum wage laws in each jurisdictional context was taken into consideration. In some states such as Texas, Georgia, and Wisconsin the minimum wage is already a low threshold, defaulting to the Federal minimum wage which is currently \$7.25 and has not increased since 2009.

While some platforms, such as Papa, Wonolo, Handy, EatStreet, Task Rabbit, and, in certain markets, DoorDash, offered hourly wages to workers, the significant costs that workers incur while doing the work often push them below

the minimum wage threshold. In addition to adhering to minimum wage requirements as employers (W2), both Alto and Bluecrew ensure that workers do not have to pay work-related expenses out-of-pocket.

Furthermore, platforms paying workers on a piece-rate basis—especially but not limited to the ride-hailing and delivery sectors—use opaque algorithms, bonus and incentive structures, and surge pricing to pay workers differential wages for the same amount of work. This is a form of what Veena Dubal calls algorithmic wage discrimination.²⁸ Fairwork also takes into account unpaid working time, such as time waiting for orders or rides, time spent on vehicle maintenance, and time training to work on the platform. None of the platforms assessed in this research guarantee the minimum living wage for workers. Living wage thresholds are calculated based on MIT's Living Wage Calculator in each of the jurisdictions examined.²⁹



Fair conditions

Work on platforms—whether it entails driving in cities,

performing tasks in homes, or working in warehouses—involves risk. The specific nature of these risks varies by sector, but working alone combined with varying degrees of technological management create a common set of concerns. Fairwork seeks documented evidence from platforms to show that they take adequate steps to mitigate task-specific risks to workers.

Three of the platforms assessed were able to demonstrate that they implement policies to meet the thresholds of the Fair Conditions principle. Alto demonstrated a commitment to worker safety by offering workers extensive (paid) training, an hourly wage structure which encourages workers to prioritise safety over maximising how many rides they can do, paid time off, and occupational insurance. Bluecrew workers receive training during their shift, can always reach a human representative on site during their work, and since they are hired as employees, are protected by Occupational Safety and Health Administration (OSHA) regulations. Workers reported significant risks performing work on the Papa platform—with many reporting uncomfortable encounters when entering the homes of new customers, lack of detailed information about their clients before a meeting, and performing work that is not part of their official job description. However, through dialogue with the Fairwork research team, Papa was able to evidence that they are aware of these risks and are taking active steps to address them. By sharing this information with the Fairwork team, Papa demonstrated that they are aware of the risks and are taking active steps to address the situation.³⁰

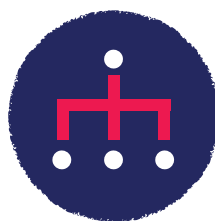


Fair contracts

There was significant variation in whether platforms made terms and conditions/terms of service, or contracts available to workers either online, on the app, or both. In addition, not all platforms had privacy policies detailing the data that the platform collects from workers or how they would use it. Fairwork seeks evidence that platforms take appropriate steps to demonstrate that workers actively consent to terms and conditions at the time of joining. Only a handful of platforms translated the terms and conditions into languages that represented the linguistic diversity of the

workers on their platform. Only Papa meets the thresholds of this principle and is committed to translating worker policies into Spanish by the end of year.

Most of the platforms assessed do not accept any obligation to offer workers advanced notice of any upcoming changes. Fairwork also asks platforms to give workers a reasonable amount of notice before making changes to the terms of service/terms and conditions. Papa has committed to amending their Terms of Service to include language which states they will notify workers of upcoming changes within a reasonable time period. However, this does not suffice to meet all the requirements of the second threshold of ensuring that no unfair contract terms are imposed. Due to the prevalence of class action waivers, mandatory arbitration clauses, and limited liability clauses across all platforms, no platform was awarded a point for this threshold.



Fair management

One of the biggest issues with algorithmic management of workers on platforms is that deactivation, fines, and disciplinary action can appear arbitrary and without due process. This is a crucial issue and pressing concern for workers. Workers reported being deactivated without warning, missing pay because the app glitched, trouble getting in touch with a human representative to resolve pay or other issues, and experiencing unfair complaints by customers that they could not dispute. Many platforms indicate the steps that workers can take to appeal unfair ratings or deactivations and some such as Uber even claim that determinations of worker appeals are human led. However, in order to achieve this threshold, platforms must show a documented policy that details how claims are adjudicated, that these determinations are done within a reasonable time, and that worker perspectives are given sufficient weight. Research of publicly available policies as well as conversations with workers and worker organisations did not reveal evidence of robust procedures of this kind.

In addition, while many platforms have anti-discrimination policies on their websites, evidence of the procedures that

platforms use to investigate claims is not publicly available. The instances of racial abuse reported by workers, as detailed below, also demonstrates clearly that these policies are not adequate for all workers. Similarly, most platforms have diversity and equity statements either on their app or on the website and some such as Uber and Lyft offer features such as allowing drivers to indicate if they are hearing impaired. While these are important initiatives, further information was needed to understand how platforms offer accommodations for other factors, such as pregnancy, disabilities, age, and language, all of which might inhibit a worker's ability to do the work on an equal footing with others on the platform.



Fair representation

None of the platforms were awarded a point for this principle this year. Platform workers often form social media groups—

either promoted by or independent of the platform—where they can discuss issues. Platforms such as Alto and Wonolo host social events for workers to come together, or hold regular town hall meetings in which workers can voice their concerns. Papa is worth mentioning for changes made in consultation with the Fairwork team. Papa committed to updating their code of conduct to include language that outlines a non-retaliation policy for workers who wish to self-organise before the end of the year.





















However, none of the platforms assessed have officially recognised or entered any kind of formal dialogue with independent groups of organising workers. This is the case even though many ride-hail and delivery workers have independently organised themselves to protest unfair working conditions. Indeed, the relationship between these groups and platforms has been actively confrontational. This is exemplified by the fact that DoorDash and other platforms sued New York City for implementing a minimum wage law based on consultations with Los Deliveristas Unidos and other worker groups.



PLATFORM IN FOCUS

Alto

Founded in 2018, Alto is a new player in the ride-hailing industry in the US, based out of Dallas, TX. Alto founder Will Coleman started the platform with a vision to upend the current independent contracting model in the ride-hailing industry. Now active in four major cities—Dallas, Los Angeles, Miami, and DC—Alto is looking to expand to new markets.

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

Alto's total score



Alto aims to capture the high-end luxury ride-hailing market, competing directly with alternatives such as UberXL, Uber Lux, and Uber Black. What sets the platform apart in our research, however, is its demonstrated commitment to worker safety and welfare. Alto hires workers as employees and has several policies in place that put worker safety at the front and centre of its operations. The Fairwork research team gathered sufficient evidence to award them a point on principles of fair pay and fair conditions.

Alto pays workers hourly rates that vary based on peak and off-peak periods during the week, guaranteeing at least the minimum wage in each of the jurisdictions they operate in. In addition, workers are paid overtime for any hours worked above forty hours a week, receive paid lunch and rest breaks, and keep any tips that customers give them in cash. Significantly, while some of the other platforms assessed this year also pay their workers hourly and technically follow minimum wage laws, Alto workers do not have to pay any out-of-pocket expenses to perform their work. In other words, every worker keeps the full amount of their net earnings after taxes. While driving, workers use Alto's own vehicles and therefore do not have to pay for or spend time on maintaining the vehicle they use for their work. Alto also provides workers with phones that have their own data plans, charging stations, and pays for all petrol used during a shift. For this reason, Alto was one of the few companies to evidence that workers meet the minimum wage threshold.

Alto drivers described undergoing safety and training prior to being dispatched to drive for customers. They are paid for this time. This includes watching a series of training videos, doing a drive along with an experienced Alto staff member who trains workers on defensive driving techniques, including how to avoid harsh breaks, turns, or to anticipate changing conditions on the road. Workers must pass a test before they are considered ready to start driving. Drivers receive coaching on their driving on an ongoing basis and Artificial Intelligence (AI) systems installed in each car track if the driver is speeding or if they make harsh turns or stops. Workers described feeling safe on the job, attributing this feeling to being able to access live communication with dispatch and the presence of pre-installed cameras in the vehicle. Alto drivers are not incentivised to complete as many rides as possible, but in fact are told to prioritise safety and drive at a reasonable pace. For all these reasons, Fairwork could evidence that Alto takes adequate measures to promote worker safety. Workers are also eligible for workers' compensation and are thus eligible to receive

income assistance and medical costs in the event of an accident on the job.

"THE BIGGEST DIFFERENCE [BETWEEN ALTO AND UBER/LYFT]? I MEAN, THERE'S SO MANY. I'D SAY SAFETY, SECURITY, NOT PUTTING MILEAGE, YOU KNOW, ON MY PERSONAL VEHICLE, NOT HAVING TO HAVE THE ADDITIONAL INSURANCE ON THE PERSONAL VEHICLE. YEAH, I MEAN, THE CARS ARE, YOU KNOW, MAINTAINED. I DON'T HAVE TO WORRY ABOUT THAT... YEAH, IT'S JUST, IT'S NIGHT AND DAY."

- ALTO WORKER, DALLAS, TX

The workers Fairwork researchers spoke to for this research described feeling like they are a part of a team at Alto. Alto has a policy of accepting worker feedback and maintaining open communication between workers and management. While on the job, workers noted they are in constant communication with dispatch teams. When they have issues regarding pay, they can contact a human representative from the Human Resources department directly. Each worker is assigned a lead or a trainer. Many have worked for Uber or Lyft in the past, and the difference was clear in their responses. As one worker described it: "I could give you like 10 fingers and 10 toes of all the troubles that I had with Uber and Lyft ... but with Alto—nothing." Workers also reported that employment with Alto allowed them to achieve other life goals. For example, one worker appreciated that she was finally able to get a loan from a bank and demonstrate her income to apartment leasing companies. She was not able to do this when she worked for UberEats as her steady income as an independent contractor was hard to prove.

Significantly, even though workers had to sign up for shifts, workers did not report feeling like this was a significant loss of flexibility or control. Many workers we spoke to responded ambiguously when asked if they felt like they had a "boss." One worker said "yes, I have more than one boss that I can reach out to at any time. And I like that. And they're not micromanaging, they're kind of hands off. They're there

if you need them and if you don't they leave you alone." Another said "I don't feel like I have a boss. I feel like everyone is just one big family ... [it's] like one big team." Alto workers described feeling independent when out doing their work, often completing their shifts without having to contact dispatch teams at all.






Unlike other platforms, Alto workers are not able to decline rides unless there is a specific reason for doing so. However, since they are being paid predictably they did not report experiencing this as a loss of control over their work. One worker explained that "there's no reason to decline. We're not being pushed." Workers don't have to worry about accepting a ride that takes them to a part of town where there is a risk of returning empty handed, or accepting a ride that doesn't pay enough to cover their petrol. In addition, workers are able to take a break when needed and are paid for this time. Finally, workers are not subject to a rating system that determines their pay or their standing on the app.

However, Alto workers are being constantly evaluated on their driving. Although workers reported feeling safe, earning Paid Time Off (PTO), and having a stable income, drivers are continually monitored by an AI-powered Radio Frequency Identification Device (RFID). While no workers reported experiencing this as an imposition or a violation, extreme surveillance can also make work unsafe. Not only can this have mental health impacts, but the feeling of constantly being watched can also cause people to lose focus while driving—if they concentrate more on how to behave rather than on the road for instance. Workers are instructed to keep their cell phones in the glove department of the car and are immediately terminated if they are recorded using it while driving. In general, the use of AI and new forms of surveillance technologies has become a growing trend across multiple sectors and industries and remains an issue that worker advocates and policy makers should continue to monitor.

PLATFORM IN FOCUS

EatStreet

Based in Madison, Wisconsin, EatStreet is one of the few food delivery platforms to hire their workers as employees with a presence in multiple cities in the US. In 2010 they started operations as an independent online and mobile food ordering service connecting customers with restaurants. In 2018 they started hiring their own delivery drivers in certain markets in Midwestern cities and were heralded as a successful newcomer in the food delivery sector.³¹

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

EatStreet's total score



However, unanticipated in our research, this year the platform terminated its operations in many cities and is laying off many workers.³² Since we were not able to confirm the technical details of their worker policies through direct dialogue with the platform, EatStreet did not receive any points in this round of Fairwork research. However, an analysis of their business model and worker feedback is still instructive for building an understanding of the difficulties facing both workers and companies in the delivery sector. We highlight this case to show that hiring workers as employees (W2), while offering considerable benefits for workers, is not in and of itself a panacea. Overreliance on tips and wage theft are real concerns in many states like Wisconsin that depend on the federal tipped minimum wage.

For this report, Fairwork researchers spoke to workers who had been with the platform for years and valued the security, steady pay, easy access to management, and employee benefits that working for EatStreet offered. EatStreet pays workers an hourly wage plus mileage, tips, and bonuses. Some workers are earning good money, but by and large workers on the app, like many delivery apps in the United States, are predominantly working for tips. In fact, even though EatStreet workers are classified as employees (W2), they fall under the category of tipped employees—earning what is known in the US as “waitress wages.” In Wisconsin the minimum wage for tipped employees is \$2.33 an hour: meaning that companies can use a designated amount or a “tip credit” to meet minimum wage thresholds. These accounting practices are difficult to monitor. In addition, while they are reimbursed a certain amount for mileage, workers can end up paying a significant amount for petrol and vehicle maintenance. Earlier this year EatStreet settled a class action lawsuit that alleged that the platform had violated the Fair Labor Standards Act (FLSA).³³ The workers in the suit claimed that the company had engaged in wage theft, had failed to reimburse workers for mileage and petrol, and had improperly used tips to meet minimum wage thresholds above what they were legally permitted to do.³⁴

Signing up to work for EatStreet, like many of the apps studied in this research, is relatively simple. Many workers considered it alongside a range of options in their local market such as DoorDash, Amazon Flex, UberEats, and GrubHub. The app assigns deliveries to workers automatically, but since workers are paid on an hourly basis, they are not under any pressure to deliver orders within a narrow timeframe—rather, they are free to go at their own pace. Workers reported that this made their work feel safer.

Furthermore, live members of EatStreet’s dispatch team are always a text message or a phone call away if any issues arise during deliveries. However, sometimes there are no orders on the app. And while they are being paid for this time, their reliance on tips still means that they can have days when their earnings are low. Further in many of the markets that EatStreet is operating in larger platforms such as DoorDash and UberEats seem to be expanding every year, getting an increasingly large share of customer orders. It is difficult for platforms such as EatStreet to compete in this environment.

STATE ACTION IS NEEDED TO SUPPORT DIGITAL LABOUR PLATFORMS THAT ARE ATTEMPTING TO OFFER WORKERS BENEFITS, SAFER WORK, AND BETTER PAY.

Similar to Alto, most of the workers Fairwork researchers spoke to did not feel a significant loss of control in their work even though they could not decline orders and had to sign up for shifts. One worker stated “it feels very independent. It feels like the independence of the DoorDash and Ubers but it’s a W2 (employee-based platform) and you don’t have to deal with that.” Another worker stated: “I don’t really feel like I have a boss in a sense, like a traditional one where it’s like, you’re checking in all the time ... if we need anything changed to our availability, we reach out to them.” EatStreet also makes a list of last-minute call outs available so that people can pick up extra shifts if needed. However, workers did report that failing to sign up for shifts far enough in advance does sometimes result in workers not being able to work at all. While this scheduling system sets EatStreet apart from many larger independent contracting delivery companies, in some markets Fairwork researchers found that workers on apps such as Shipt and GrubHub also sign up for shifts on these apps in advance to procure better orders.

The case of EatStreet therefore demonstrates first that decades of wage stagnation, and a tradition of poorly paid service workers reliant on tips, makes delivery workers vulnerable irrespective of their classification. Second, platforms attempting to offer their workers benefits and higher wages are struggling to remain profitable in a market where they compete with platforms using independent contractor models. State action is needed to support digital labour platforms that are attempting to offer workers benefits, safer work, and better pay.

Workers' Stories

Caroline*, 48, delivery driver

Caroline is a mother of eight from Dallas and has worked for GrubHub—a nationwide food delivery platform—for six months. Caroline loves to drive. She just blasts the stereo up, rolls her window down, puts her shades on and in her words: “I just drive.” But Caroline works on the platform “every day, every day, every day”—putting in at least 80 hours every week. She describes often being too exhausted to even get out of her car to take care of her kids after a long day of doing deliveries. She sometimes ends up sleeping in her car. Caroline turns on the platform as soon as she gets up but sometimes ends up sitting in her car for hours refreshing the app, or driving for a long time until she gets to a part of the city where there are orders. Because she has kids and must manage doctor appointments, school, and other activities, and can’t always be on the platform during the most lucrative times of the day.

Caroline sees GrubHub as catering to a higher end clientele than other major delivery companies and often finds herself picking up food from up-scale restaurants in wealthy neighbourhoods of the city. As a Black woman, she described being discriminated against by restaurant management and workers. She recounted being ignored by the restaurant staff, being told to wait while they served everyone else there, and being questioned about her identity when she went to pick up an order while other White or Latinx people were allowed to just walk up and grab their food. Caroline started working for GrubHub because she was forced to resign from her previous job. After getting in an accident, she could no longer work the way that she used to and had to use up all her sick leave at the company she was working with. She wants to look for another job but because of her injury she feels like she is at a disadvantage in the job market. She puts in these long hours because she is trying to get ahead enough to get out. “So, it’s hard—I don’t know how to save up money because you have to keep using it as you go if you don’t have any income.” She never seems to earn enough. She says: “it’s like ... it’s like I’m spinning my wheels out here literally for nothing.”

Susie*, 37, temporary worker

Susie has just started working for Wonolo—a platform that connects people to warehousing and temp jobs in their local area—in Detroit. After quitting her job in hotel housekeeping where she was tired of being micromanaged, she was drawn to the easy money and how quickly she could open the app and pick up jobs on Wonolo.

Since Susie has worked in the hotel industry for decades, when she saw a hotel job open on the platform, she was excited to do something that aligned with her experience. But when she got there, they told her that her task was to clean the garbage room which was overflowing—a job that no one at the hotel wanted to do. “I feel like they lie in the app. You know, it wasn’t the job that I signed up for. I signed up for basically housekeeping. And you’re having me be a garbage lady ... and the guests told me that raccoons and cats be in the trash.” But Susie just took a deep breath and did it. Now she is using her car to deliver pizza for a large company in Detroit, but her hourly rate does not cover the cost of the petrol or the wear and tear on her car. She also ends up waiting for hours for deliveries. Because more deliveries mean more tips, the permanent employees at the pizza company deliver all the orders themselves and don’t give any to the Wonoloers. She feels discriminated against as a Wonoloer. Susie is under no illusion about who her boss is: Wonolo. In her words: “The boss is whoever pays you.”

Landon*, 43, ride-hailing driver

Landon has been driving for Lyft in Milwaukee for over seven years. Originally, he joined Lyft to earn a little extra money to supplement his earnings when his family-owned electronics and furniture business hit a rough patch. Eventually his company went out of business, suffering the same fate as many mom-and-pop brick and mortar stores all over the country. He still describes himself as an entrepreneur as he sells his stock online and has his own driving business. But

he works 60-70 hours on Lyft alone. He loves to drive—but he is putting in long hours. “Because I’m gonna be honest with you, I get up I drive.... the more you work, if you’re working every day they’ll send those incentives every day. The incentives will slow up, if you slow up.” Extremely focused and disciplined, Landon does not allow himself to slow down. He is up every day at 6 am and works two to three shifts a day. If the app allowed him to, he would drive 20 hours straight because for him it’s all about making every extra dollar. Part of the reason that he works so many hours on the platform is that he has leased a car from Lyft to do the work. As he describes it, an entire day’s worth of work (Mondays) goes straight back to paying the \$300 weekly fee to rent the car from Lyft.

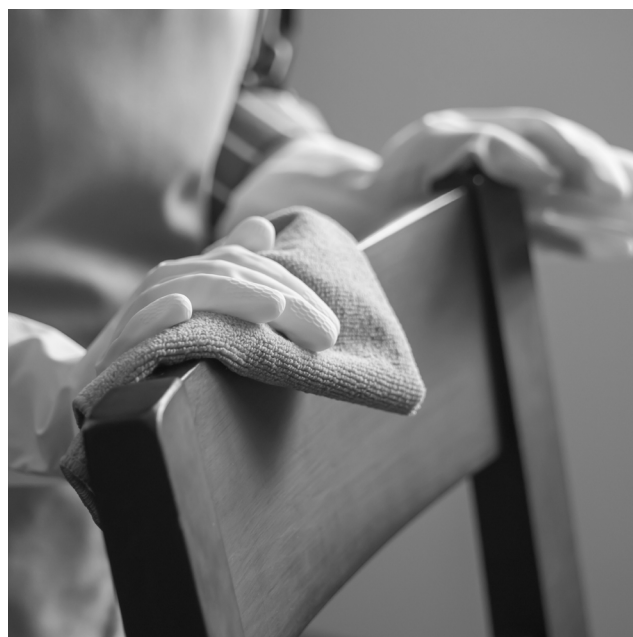
Cheryl*, 43, temporary worker

Cheryl is a worker on the Handy platform in New York City. She has tried out a couple of different platforms but found that Handy was the only option because they always have jobs available in her local market. She works seven days a week when she can and will try to fit in two to three jobs a day. To make enough money she has to work nonstop. She finds that the best way to deal with the fatigue is to just keep going and not think about it. “Yes, I get fatigued but I deal with it. Like for instance I do this every day. So if I stay on doing it everyday I’m fine. But if I don’t have a job like in the morning and then it’s time for me to go to my next job—I’m real tired.” Cheryl also feels like she can’t get a break with the pay. She was earning \$17.70 for a while but due to a customer complaint Handy put her rate down to \$15.50. She has tried to appeal, but she has been waiting for weeks for them to look into her case. In addition, Cheryl sees the fees that the platform charges as arbitrary and unfair. For example, a client once told her not to come because they wanted their regular cleaning lady instead, but Handy still charged her as a no-show. “They’re like a drill sergeant. The other app, like I said, even if you don’t go, they can reschedule and stuff like that. On Handy if you don’t go—best believe you’re getting charged.” Cheryl also finds the fact that customers can track the physical location of workers when they are on the way to a job troubling, making her concerned for her safety.

Linda*, 78, care worker

Linda is a 78-year-old retiree who joined Papa because

she loves to look after people and felt that she needed to socialise after a long period of isolation during COVID-19. She recalls taking care of her son, father, and mother when they were ill and feels like she has had years of experience caring for people. Linda goes above and beyond for her customers, cleaning, cooking, and doing errands around the house even though officially she’s not required to. She loves her regular customers that she has met since working with Papa, but is deeply frustrated with her experience working with the platform. In the beginning she would get enough in bonuses to make the pay feel worth it, but now the bonuses have dried up and her earnings are too low to cover the wear and tear on her car. She often drives hours to get to a customer but finds that the mileage the company pays is not always accurate or enough. She is frustrated that she cannot advocate for her clients and that there is no way to warn other Pals (as the platform calls its workers) about bad experiences with customers. She now sticks only to her regulars, but told us about having had several uneasy encounters with customers. For example one client had been diagnosed with mental health condition, but she received absolutely no warning from the platform. She also described wanting to cancel a visit once because of snow and terrible road conditions and but being told that this was not a valid excuse for a no-show. Linda is seriously considering whether she should stay with the company. She isn’t even doing it for the money—but she knows she has to make a living and the pay does not feel sustainable anymore.



***Names have been changed to protect the worker’s identity.**

THEME IN FOCUS

A Safety Crisis for a Racialised Workforce

It is hard to isolate a single theme to focus on in this report given that platform workers are affected by so many interconnected issues including algorithmic management, low pay, unfair deactivation, and increasingly excessive data collection and surveillance. However, in the last few years, safety concerns have reached new heights across the US.³⁵

Earlier this year, Gig Workers Rising (GWR) published a report showing that 31 workers were murdered while undertaking platform-based work in 2022 alone.³⁶ They also noted that most recorded incidents were against people of colour. The same group published a report last year that found that over 50 workers had been killed between 2017 and 2021—and that this figure was likely a conservative estimate.³⁷ This year, a group of Uber shareholders called for an independent safety audit of the company's practices in light of the growing safety crisis in the sector.³⁸ While almost all the workers Fairwork researchers spoke to reported similar safety concerns, this section highlights how race structures these risks in a variety of ways.

SIGNIFICANTLY, FAIRWORK RESEARCH FOUND THAT NON-WHITE WORKERS WERE MUCH MORE LIKELY TO BE HIGHLY DEPENDENT ON APP WORK THAN WHITE WORKERS.

In terms of the breakdown of the sample in this study, 56 percent of the 108 workers interviewed identified as Black, 19 percent as White, 14 percent as Hispanic, 4 percent as South Asian, 3 percent as Mixed Race, 2 percent as Middle

Eastern, and 2 percent as Asian. Therefore, Fairwork US research data roughly conforms to national surveys such as Pew that show that most platform work is performed by people of colour.³⁹

Other scholars researching the topic have found that levels of dependence on platform work, rather than classification per se, strongly predict whether workers are satisfied with their working conditions or experience their work as precarious.⁴⁰ Fairwork research measured dependence simply by examining the number of hours that workers reported working on the platforms on an average week. Those working 30 hours a week were classified as “highly” dependent and those working over 50 hours were classified as “very highly” dependent. The Fairwork US research sample represented a mix of workers working part-time and full-time on the platforms. However, almost all of the White workers Fairwork interviewed who reported being highly dependent on platform work, were working for platforms that hire workers as employees (W2), mostly Alto and EatStreet. This finding suggests that Black and Brown workers tend to be more dependent on platforms that employ workers as independent contractors.

The workers interviewed for this study shared several stories of overt discrimination. The platform economy does not mitigate the ills of racism in society, but instead



lodges itself firmly within the hierarchies that “race-blind” techno optimists tend to overlook. Many workers reported experiencing racial harassment and abuse. These incidents were experienced by both Black workers and workers with migrant backgrounds. For example, drivers Fairwork researchers interviewed reported picking up passengers who used racial slurs to address them, so much so that they said this was simply the “price of doing the work.” One Pakistani worker told Fairwork researchers in Urdu: “Bardaash Karta Houn”—which translates to “I withstand/ tolerate it.” One female Black driver from Los Angeles said that she experiences racial comments “all the time” and that it was unavoidable. She said she knew that if she kicked the passenger out of the car her rating would go down. Another Bangladeshi driver who drives for Uber reported that customers falsely accused him of assault, and that he believed the complaint made against him to the company was racially motivated.

A delivery driver from Nigeria working in Dallas, reported having a drink thrown in his face when delivering food to a customer. However, he laughed the incident off, demonstrating the psychological effort that goes into mitigating the effects of these experiences: “Sometimes, you know, you take food to customers—sometimes some will treat you bad. Some will tell you that if you don’t have any job, go back to your country. It’s funny, but...I don’t care

about those ones...the painful thing more is like, you know, when you’re working with organisation and the organisation cannot defend you when [the customers] wrong you.” Another worker, a cleaner from Dallas, explained that as a young Black woman she does experience problems. She told researchers that older White customers “think we’re stupid.” She described one lady who made her feel uncomfortable, but she also downplayed the impact: “But I just—I don’t know if I could just blame her. She was so old. She’s like, 80 something. And she was like, ‘Yeah, back when “the Blacks” ... I mean, you’re one of “the Blacks”’. And she was like, she was asking me some really uncomfortable questions. Do you all still do this? Do your kids still run outside? It was a mess.”

While Detroit, Milwaukee, and Atlanta are ranked as some of the most racially segregated cities in the nation, all the cities studied in this research are segregated to some extent. Black workers Fairwork researchers spoke to in all the cities covered in this report noted being wary of performing cleaning, delivery, or ride-hailing work in certain neighbourhoods. Significantly, some workers insisted that it was not just White customers that they had issues with, but Indian customers as well. For others, simply entering a neighbourhood where they did not “belong” created risk.⁴¹ A male TaskRabbit worker in Milwaukee, Wisconsin explained: “Yeah, I do worry about it! I do. Yes, I do ... I’m in one of the most segregated cities and states in the country, so ... You

never know what people have on their mind in the current political atmosphere.” A female Black worker for Handy in Detroit once had the neighbours call the police on her when the customer gave her the wrong address and did not pick up their phone when she tried to reach them. She should have left immediately, but Handy would not pay her unless she stayed on location for 30 minutes. Another driver was pulled over for no apparent reason after dropping off a customer, under the pretence that the police officer thought he was driving intoxicated. For delivery workers, the fact that platforms do not make it mandatory for customers to have a porch light on is a particular threat. An Instacart worker from Atlanta, explained this in a matter-of-fact manner: “Because you don’t want to go to the wrong house—not in 2022. You don’t want to pull up to the wrong house and ring the doorbell and someone thinks you’re trying to break in, and they shoot you.”

The threat of gun violence came up with alarming regularity in interviews. One driver told Fairwork researchers that she had had customers bring guns into her car, and another domestic worker reported stumbling into a closet full of guns when cleaning a house. The worker explained: “Because like, what if I dropped one without knowing that it was right there... that’s the issue it’s like, do you even advise these people to make sure they make the place safe for us?” Further, simply being on the road increases the risk of exposure to gun violence that is an undeniable feature of many cities in the US, both small and large. Many workers described loving the mobility that platform work offers—allowing them to see and get to know their city in a different way. However, it is this very mobility that exposes them to a greater diversity of threats. Workers shared many stories. One delivery worker in Milwaukee said someone had threatened to shoot his car up while driving, and another that he got into an altercation with a driver whom he later found out was carrying a gun.

Workers also had stories from friends or acquaintances whose cars had been hit or who had gunshot wounds. They described the many tactics they deploy to mitigate the risks of encountering gun violence. Some avoided certain areas for this reason, others would refuse to allow customers to stop in certain places, while others made efforts to avoid any altercations on the road at all. Significantly, while many workers knew that officially they were not permitted to carry weapons, some admitted that they did carry a concealed weapon and to *not* do so was dangerous. As one female delivery worker explained: “I do not like guns—I never have. That’s not the thing. But like, when I’m out here on

the streets, like, I feel like it’s something that I just need, you know, because you just never know.” Others, women particularly, reported carrying pepper spray, baseball bats, and one woman noted that she was a boxer—always prepared to fight physically.

In addition to race, gender shapes how workers experience platform work to a significant degree. Working with male partners or friends was a strategy that some female workers adopted while doing their work, particularly in domestic work and delivery. They described having their partners either wait for them outside a home or accompany them on deliveries, especially when going into unfamiliar neighbourhoods. Several delivery workers said that as a woman they would not enter apartment buildings alone and that the platforms need to do a better job of letting workers know what kind of residence they would be delivering to.

Both domestic work and elderly care are heavily gendered sectors with a majority female workforce. While being on the road could be dangerous, entering a stranger’s private home presents its own set of risks, which women workers described always having to navigate carefully. Workers shared multiple stories of encountering unsafe environments. One pregnant worker entered a home with an ongoing domestic violence situation escalating in her presence. Another described entering a house full of men who made her feel so uncomfortable that she had to leave. Still another described almost being locked into a home by the man who hired her and having to run out the backdoor to exit the situation.

It is thus clear that workers face significant safety risks while performing platform work. Furthermore, race and gender—in addition to migrant status as highlighted in this section—shape these experiences in significant ways. It is imperative that platforms take adequate steps to protect workers from the extra risks that they take on by engaging in work for the platform: interacting with customers and entering neighbourhoods that they might otherwise avoid if not for the fact that they have to earn a living. This level of exposure with no accountability from platforms is creating a safety crisis for workers. As this report stated at the outset, this is not just an issue of economic inequality—this is a racial justice issue.

MOVING FORWARD

Pathways of Change

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

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

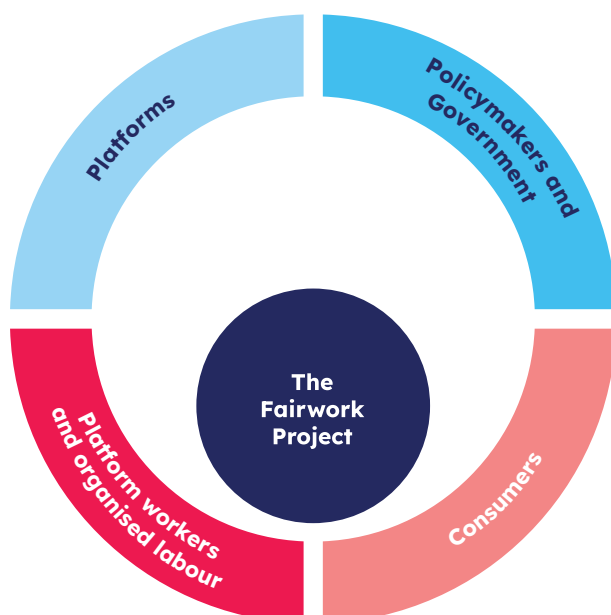
This is the first annual round of Fairwork ratings for the US, and we are seeing increasing influence and impact. In this regard, we see four pathways to change (see *Figure 2*).

Impacts

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

- Papa has committed to translating the platform's Terms and Conditions, Privacy Policy, and End User Agreement into Spanish by the end of the year.
- Papa has committed to changing the language in their terms of service to specify that they will give workers a reasonable period of notice before making changes to their terms of service.
- Papa has agreed to update their Code of Conduct to include language that outlines a non-retaliation policy in the events that workers decide to self-organize and to share this policy with workers by the end of the year.

Figure 2: Fairwork's Pathways to Change



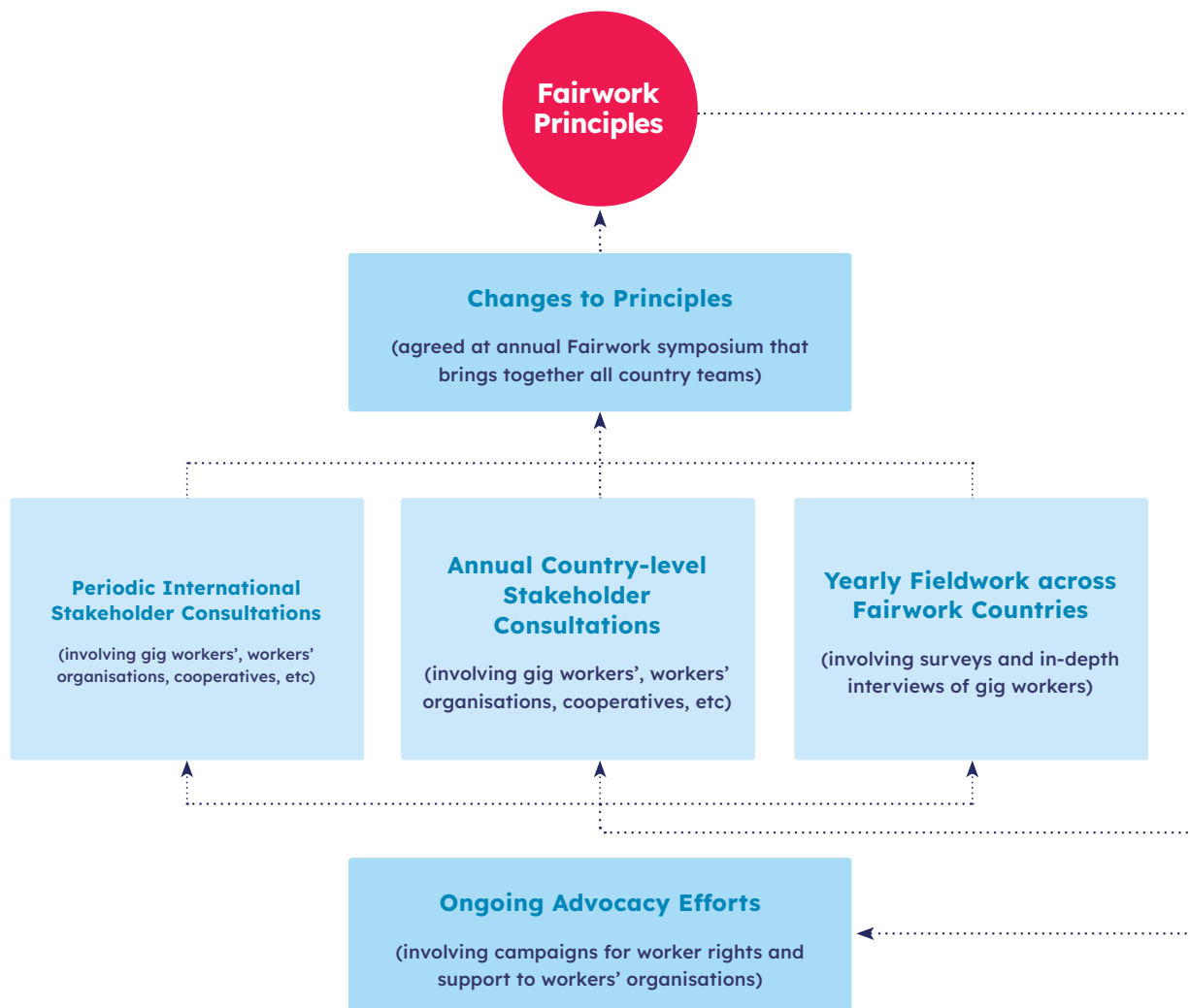
This year, the Fairwork research team also contributed to global certification organisation B Lab's standards development process for location-based platforms. B Lab's draft standards (currently in public consultation) integrate Fairwork principles into new standards developed specifically for location-based platforms.

Next steps

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms

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

Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



The Fairwork Pledge

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

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

A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice.



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

WWW.FAIR.WORK/PLEDGE

APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

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

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 May 2022-August 2023, and are valid until August 2024.

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. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage. 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. 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.

Table 1 Fairwork Scoring System

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

Maximum possible Fairwork Score



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.

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. 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. 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. 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.
- 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.
- 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 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.
- 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.

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.

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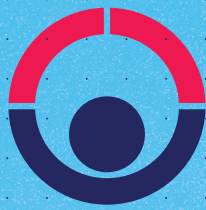
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