



**LABOUR STANDARDS IN THE PLATFORM ECONOMY**

# **Bosnia and Herzegovina Ratings 2023**





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# Executive Summary

**The platform economy in Bosnia and Herzegovina (BiH) is in the early-stage of development with the presence of international and local digital platforms as well as national companies operating in the sector. This report is a result of the first Fairwork research in the country and presents the set of ratings against the five Fairwork principles of the following digital platforms in BiH: Fix.ba, Glovo, Korpa, mojTaxi, Šetnja.ba, StudenTime, Žuti Taxi, and Daibau.ba.**

Working for a platform in BiH has become more popular due to the COVID-19 pandemic, though it was not a completely new phenomenon in the labour market. The most advanced and popular sector is food delivery. The trend started during the COVID-19 pandemic in 2020, when one of the world's leading delivery platforms entered the market. In the same year, similar local and regional food delivery companies increased in popularity too. Due to strict lockdowns, shops and restaurants were forced to close their doors and lay off employees. For many businesses, delivery and online shopping platforms were the only options for survival. For many of the people who were laid off during the pandemic, this was an opportunity to find work. For the past three years, the streets of many cities in Bosnia and Herzegovina have been flooded with delivery workers. Mainly on bicycles and with large and very heavy bags, these workers rush to complete their deliveries punctually. In addition to platforms offering delivery services, there are other platforms employing workers in the labour market in BiH. Through these, it is possible to contract a range of services, such as taxi services, apartment cleaning, or repairs.

Workers at platforms are mainly young people and those from groups with less opportunities on the labour market. It is not surprising, given the fact that BiH has one of the most challenging labour market situations in the region. The unemployment rate is high, and the share of informal employment in total employment is also relatively high. Unemployed people, especially the young, decide on platform work because of a lack of opportunities,

flexibility, and quick earnings, even if they do not have adequate protection at work, including health and safety.

Though the platform economy is not as novel a phenomenon in the BiH labour market as it was a few years ago, public discussion regarding the employment protection of platform workers is at its very beginning. Platform workers do not formally exist as a legal category, nor do they have a legally regulated status. There is a lack of evidence and research to understand the challenges that platform workers face, and their voice is still quiet. There are also no insights about which business models the platforms use in their operations or how they are combined with traditional ways of providing services. Therefore, the present report intends to fill this gap. It is the result of a year-long Fairwork project in BiH that examines the current situation of the country's platform economy against five Fairwork principles, which are continually updated on a yearly basis. We emphasize that the evaluation of platforms in BiH meant the evaluation of the working conditions achieved exclusively by working through the applications that the platforms use, and not the traditional ways of working that certain companies who own the platforms combine in their operations. The platforms' scoring reveals that there is much to be done to ensure fairness in the BiH platform economy. The areas that have to be the focus of stakeholders in BiH are related to the creation of a fair legal environment for platform workers, which will enable them to seek fair working conditions as well as greater representation and health and safety protection at work.

# Key Findings

Research results show that there is considerable room for improvement in achieving fair working conditions according to Fairwork principles for most of the platforms analysed. A score of 1 means that a platform met the thresholds and was able to demonstrate that. A score of 0 means that evidence could not be ascertained to demonstrate the platform met that score. The highest-scoring platform (Glovo) earned 4 points. Two platforms (Korpa and Žuti Taxi) scored 2 points each, while mojTaxi and StudentTime earned 1 point each. The remaining three platforms (Fix.ba, Šetnja.ba, and Daibau.ba) did not score any points.



## FAIR PAY

**Only three platforms (Glovo, Korpa and Žuti Taxi) out of 8 platforms could evidence that workers' net pay was at least the minimum wage.<sup>1</sup>**

None provided evidence that all workers can meet the second earnings threshold (called in this report, the average wage<sup>2</sup>), after costs are considered.



## FAIR CONDITIONS

**Although several platforms evidenced promising practises that should be developed further to meet the requested thresholds defined under this principle, only one platform (Glovo) provided evidence that safety equipment is provided at no cost to workers and there is an adequate support mechanism to mitigate the risks of lone working.**

In addition, the platform provided evidence on additional insurance provided to all workers by default, which can be used to compensate for losses caused by the inability to work for short-term periods.





## FAIR CONTRACTS

**Only one platform (StudentTime) evidenced that all workers at the platform are covered by membership contracts. Some platforms have worker-specific terms and conditions in place, but due to the fact that these don't have legal force without signed contracts, those working informally are unable to seek fair conditions at the platform.**

None of the platforms provide mechanisms to ensure that workers are notified in time of proposed changes to contractual terms and conditions, as well as established mechanisms to monitor implementing partners.



## FAIR MANAGEMENT

**There are effective communication channels in place at four platforms (Glovo, Korpa, mojTaxi, and Žuti Taxi), with the possibility of communicating with human representatives at the platform.**

Though there are promising practices in place at several platforms, no evidence was provided to demonstrate that all thresholds for equity in the management process were met.



## FAIR REPRESENTATION

**Mechanisms for the expression of collective workers' voices are missing on most platforms.**

Some platforms showed promising practices, but there was no evidence of consistent policies or regular mechanisms to enable workers' representatives to communicate directly with platform managers.



## EDITORIAL

# Changing Work Standards in Digital Labour Platforms

A first look at the working conditions on platforms in BiH reveals that there is room for improvement, while an in-depth study of the situation shows that the joint action of various actors on the labour market is needed to achieve fairer working conditions. This is not the case exclusively for platform workers, but in general for the entire labour market and sectors where there is a high rate of informal employment of workers. While on the one hand, the concept of a platform worker is not recognised in the existing legal framework, on the other hand, the implementation of current legal solutions is not sufficiently monitored. In such an environment, both companies (platforms) and the workers themselves take advantage of the current shortcomings of the (de)regulation of the labour market. Platforms use it in such a way that they can ensure higher profits and give workers at least some possibility of employment.

With the arrival of international platforms, the situation is slowly beginning to change, with more attention being paid to the safety and protection of workers at work. Considering the growing popularity of platform work (among workers and customers), the number of employees on the platforms is expected to grow, resulting in the need to regulate elements of their business. Data collected through interviews with workers shows that even without special regulation by policymakers, they can improve working

conditions through their business activities. This primarily includes ensuring a decent living wage, safety equipment at work that is not paid for by workers, and appropriate employment contracts. The interviews also showed that workers have little knowledge of their rights, as they often do not know what type of contract they have signed or what benefits they can obtain. This particularly applies to the possibility of group negotiations with platform management, where workers on some platforms believed





that unionisation would not generate any special effect in terms of changes in working conditions. The weak belief in the benefits of unionisation shows the extent to which workers are discouraged from seeking better working conditions. In many conversations with workers, it was mentioned that they were asked about their working conditions for the first time. This leads to the conclusion that it is necessary to raise awareness of platform working conditions to all stakeholders in the social dialogue surrounding this form of work, including the workers themselves, if the necessary changes are to be made in the future.

**IT IS NECESSARY TO RAISE AWARENESS OF PLATFORM WORKING CONDITIONS TO ALL STAKEHOLDERS IN THE SOCIAL DIALOGUE SURROUNDING THIS FORM OF WORK.**

We hope that through the assessment of working conditions on digital platforms, we will contribute to the achievement of fairer standards in the platform economy in BiH. We also hope that through research we will show that a different platform economy is possible and that by ensuring fairer working conditions, the same business results can be achieved without the need to lead workers into precarity. We believe that the results of the research will help decision-makers, trade unions, employers' associations, platforms, and customers make informed decisions embedded around the Fairwork principles.

### **Fairwork BiH Team**

Nermin Oruč, Amela Kurta, Ilma Kurtović, Adam Badger, Mark Graham.



## THE FAIRWORK PROJECT

# Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital platforms. Our ratings are based on five principles that digital labour platforms should ensure in order to be considered to be offering basic minimum standards of fairness. We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Center. Our growing network of researchers currently rates platforms in 38 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.



# Fairwork countries

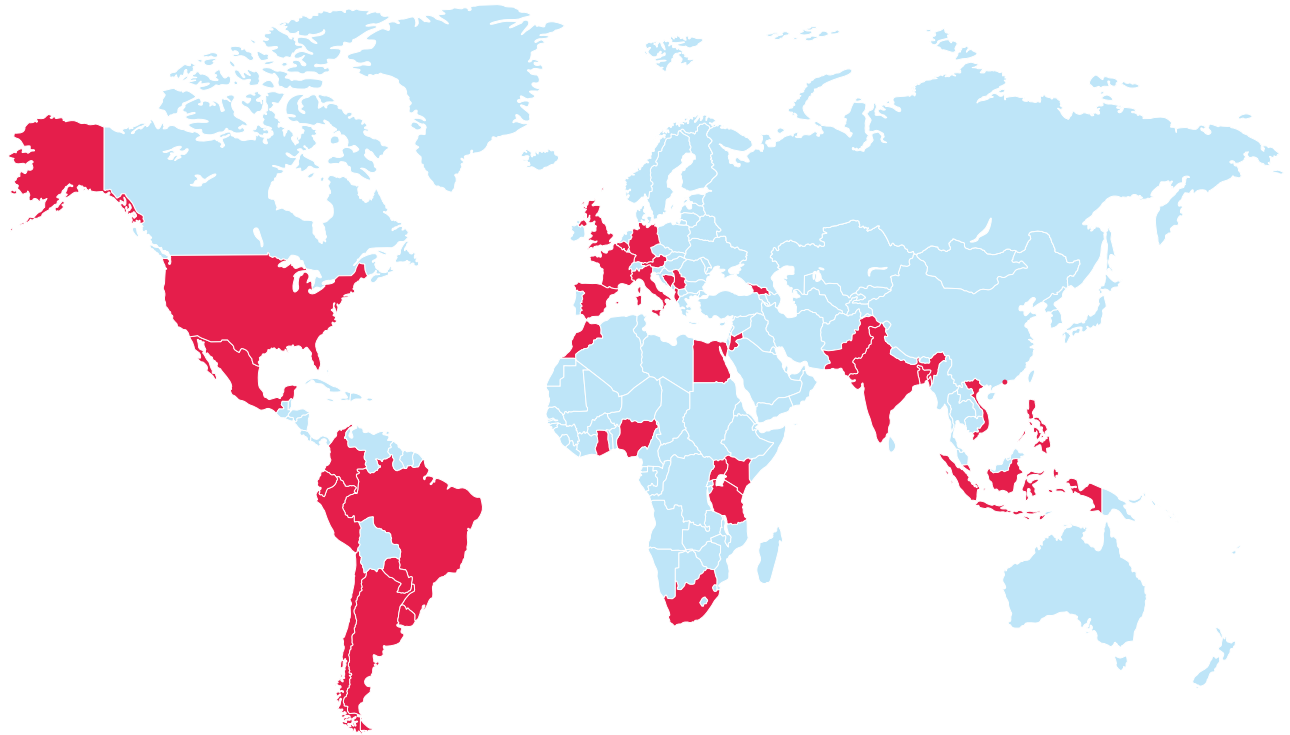


Figure 1. Fairwork currently rates platforms in 38 countries worldwide.

## AFRICA

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

## ASIA

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

## EUROPE

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

## SOUTH AMERICA

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

## NORTH AMERICA

Mexico, USA



# The Fairwork Framework

**Fairwork evaluates the working conditions of digital labour platforms and ranks them on how well they do. Ultimately, our goal is to show that better, and fairer, jobs are possible in the platform economy.**

To do this, we use five principles that digital labour platforms should ensure to be considered as offering 'fair work'. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the context of Bosnia and Herzegovina, we have operationalized the principles in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.

Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.





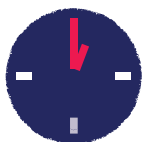
## STEP 1

# The five principles



### Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. We assess earnings according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.



### Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.



### Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/or the platform.



### Fair Management

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



### Fair Representation

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



## STEP 2

# Methodology Overview

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

We recognise that not all platforms use a business model that allows them to impose certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all platforms have the ability to influence the way in which users interact on the platform. Therefore, for platforms that do not set the terms on which workers are retained by service users, we look at a number of other factors including published policies and/or procedures, public statements, and website/app functionality to establish whether the platform has taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

In the case of a location-based work platform, we seek evidence of compliance with our Fairwork principles for location-based or “gig work” platforms, and in the case of a cloudwork platform, with our Fairwork principles for cloudwork platforms.

### Desk research

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up any publicly available information that could assist us in scoring different platforms, for instance the provision of particular services to workers, or the existence of past or ongoing disputes.

The desk research is also used to identify points of contact or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

### Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

### Worker interviews

The third method is interviewing platform workers directly. A sample of 6–10 workers are interviewed for each platform. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews enable the Fairwork researchers to see copies of the contracts issued to workers, and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place on the platform.



Workers are approached using a range of different channels. For our 2023 ratings, this included, in addition to our tried and tested participant recruitment methods, Facebook and LinkedIn advertisements and snowballing from interviews conducted in an earlier phase. In all these strategies informed consent was established, with interviews conducted both in person and online.

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the platform for more than two months. All interviews were conducted in the Bosnian/Croatian/Serbian language.

### Putting it all together

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

### How we score

Each of the five Fairwork principles is broken down into two points: a first point and a more second point that can only be awarded if the basic point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are not—for whatever reason—able to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

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



## BACKGROUND

# The Context for Digital Labour Platforms in Bosnia and Herzegovina

This section presents the context in which the platforms analysed for this report operate by briefly describing the Bosnian labour market and its main institutions, to enable a better understanding of the challenges faced by platform workers in Bosnia and Herzegovina (BiH). The focus is on employment protection legislation, unionisation of workers, and the differences in their enforcement and effectiveness in different sides of the dual labour market in Bosnia and Herzegovina. The concept of a dual labour market refers to the coexistence of two distinct segments within the labour market: a primary sector characterized by stable, well-paying jobs with benefits (public employment), and a secondary sector marked by precarious, low-wage employment without job security or social protections (private employment).

In the thirty years since its independence, Bosnia and Herzegovina has gone through the period of a devastating 4-year long conflict that displaced around 50% of its population; post-war recovery; transition to capitalism and state building within the extremely complex framework of a peace agreement. All that has significantly impacted the performance of the labour market and its institutions, which—although recovering—is still lagging behind other

countries in the region. Compared to the EU average, unemployment rates<sup>3</sup> in BiH and informal employment<sup>4</sup> are still high (at 15.4% and 30% respectively in 2022), particularly for specific vulnerable groups such as women, youth and low-educated workers. Around 86% of workers with no education and 62% of those with only primary education work informally (Oruč, & Bartlett, 2018)<sup>5</sup>. These two labour market indicators are closely linked—



due to the high unemployment rate, job seekers from vulnerable groups have a weak bargaining position and are forced to accept less favourable informal or semi-informal arrangements. In addition, even in sectors where employees have a stronger negotiation position, such as highly-skilled workers, various forms of semi-informal arrangements with an employer (i.e., “envelope wages”—that involve workers receiving a wage to their bank, topped-up by a cash payment given to the worker in an envelope<sup>6</sup>) are often voluntarily agreed between workers and employers as a way to increase workers’ disposable income given the gross wages employers are willing to pay and taking into account a rather high tax rate in BiH. This option became even more pronounced during the COVID-19 pandemic. The pandemic further exposed informal workers to risk and deepened the existing gap in rights exercised between public and private sector workers.

Labour market institutions exist in BiH; however, their enforcement and effectiveness differ for public and private sector workers. The employment protection legislation and unionisation of workers in Bosnia and Herzegovina have traditionally been at a high level, having been shaped during the communist era, while it was a federal state within

Yugoslavia. However, the pressure of transition towards capitalism had been particularly focused on flexibilization of employment, the deterioration of collective bargaining position and labour rights of workers, mainly driven by the international “Washington consensus” actors’ agenda. Still, the duality of the labour market, particularly between public and private sectors is clearly visible in the extent of law enforcement and effectiveness of collective bargaining, where private sector jobs are not equally protected by law enforcement agencies, and where trade unions representing private sector workers are not independent but rather almost fully controlled by political establishments. As such, they are not genuinely exercising their mission of protecting workers’ rights in the private sector as the main concern of the government is to assure protection of public sector workers who act as their main electorate.

The employment protection legislation in BiH was traditionally higher than in advanced economies and was strongly criticised and blamed for high unemployment by international financial institutions (often without sufficient reflection on the broader geo-political forces shaping the country at the time). The conditions for their financial support to the country often included requirements for



easing protection mechanisms for workers in the existing laws. As a result, employment protection legislation in BiH currently is moderately flexible<sup>7</sup>; however, it has to be noted here that a vast majority of the recent relevant literature on the topic suggests that the hypothesis that increased labour market flexibility will result in increased employment simply cannot be supported by evidence. On the other side, according to the Labour Rights Index, BiH scored 88 out of a possible 100 points and was marked as an economy approaching decent work<sup>8</sup>.

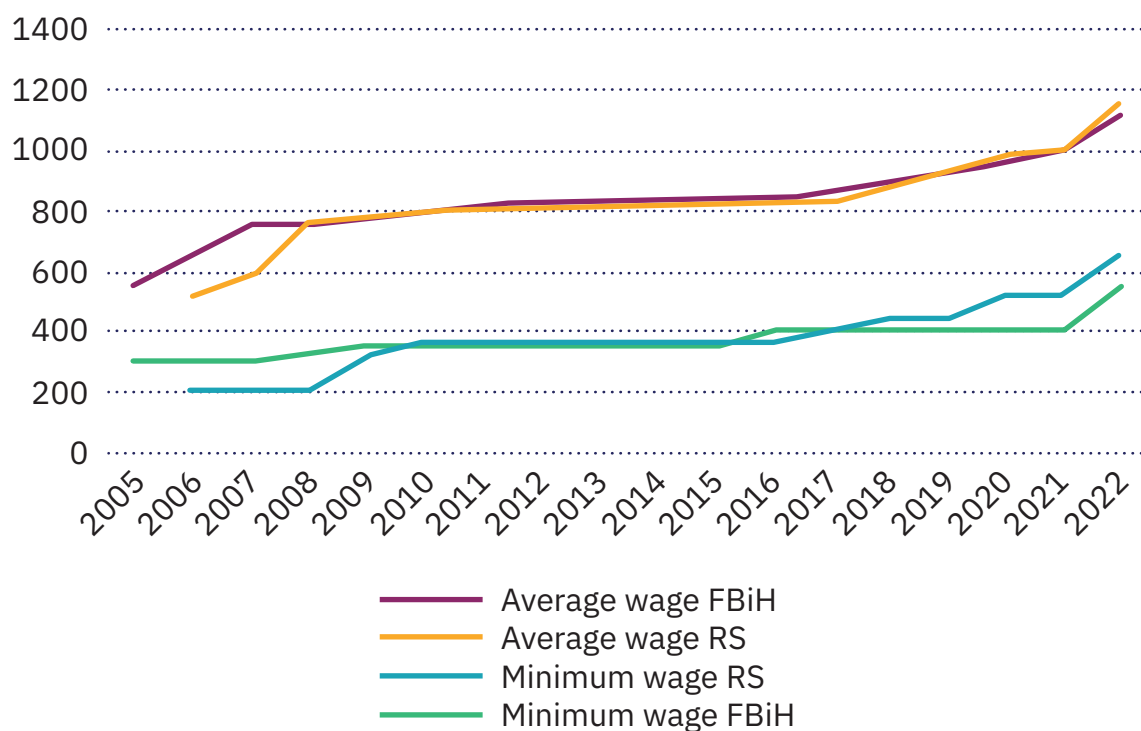
Unionisation is enabled by the current regulations; however, both the degree of unionisation and their performance in promoting labour rights and standards are still weak. Recent research under the Labour Rights Index calculations made in 2022 reports that the trade union density rate is 30% and the collective bargaining coverage rate is 50%.<sup>9</sup> Moreover, both the degree of the unionisation rate and their performance are much stronger in the public sector and state-owned companies than in the private sector. In the private sector, unions are mainly organised within one specific industrial sector or subsector. The presence of informal work, including those working on platforms, further complicates the work of unions. Given that union

membership is only available to formally employed workers, this mode of representation in BiH (as with much of the rest of the world), is limited in scope.

The position of workers to negotiate better conditions is further aggravated by unfunctional social dialogue. In the Federation of Bosnia and Herzegovina (FBiH), the FBiH Employers' Association unilaterally terminated the FBiH General Collective Agreement in March 2018 (Decision on Termination of the General Collective Agreement for the territory of the FBiH, art. 1) and although social dialogue continued in 2020 there is still no consensus on the new general collective agreement. In the Republic of Srpska (RS), tripartite dialogue has continued on a regular basis and yielded some concrete policy-relevant progress and outputs, such as those in the field of occupational health and safety<sup>10</sup>.

The minimum wage setting, as another labour market institution, is part of the tax-benefit system in both administrative units (entities) of BiH. In the Federation of Bosnia and Herzegovina, it was introduced in 2005 through the General Collective Agreement at a level of around 50% of the average salary (whilst the agreement was terminated,

**Figure 2.** Minimum wage and average net wage in BAM in FBiH and RS, 2005–2022.



Source: Own calculations based on data from the Federal Institute for Statistics and the Institute for Statistics of the RS for the average wage and government official decisions for the level of the minimum wage at the end of year<sup>11</sup>.



the minimum wage policy was retained and is now decided directly by governmental decision). The Republic of Srpska, introduced a minimum wage in 2006 at a lower level than in the FBiH, at around 40% of the average salary. There were several changes in the level of the minimum wage in FBiH (in 2016 and in 2022 and 2023), while in RS changes were recorded in every year and in some cases even during the year, with the last change introduced at the beginning of 2023. As shown on the chart below, increases in the minimum wage seem to follow the increase in the monthly average net wage. In FBiH the share of the minimum wage in the average wage is still around 50%, while in RS it reached the level of 58% (January 2023).

In such circumstances, conditions and experiences of platform workers in Bosnia and Herzegovina (BiH) are deeply impacted by the existing gap in the effectiveness of labour market institutions such as employment protection legislation, minimum wages, as well as unionisation of workers and their collective bargaining roles. By working in the private sector, platform workers are not having access to the same institutions and safeguards of the labour market as public sector employees, which means that even for the laws that do exist, their enforcement does not assure these workers are eligible for benefits like sick pay or holiday pay, and they might not even have a guarantee of minimum income. This also varies largely within this group of workers, depending on the type of contract they have. Various types of (non)contractual relationships exist between employers and employees at platform. The following types of employment relationships can be observed: a) “Standard” open-ended, full-time contracts; b) Part-time work (including involuntary part-time work); c) Self-employment (including platform workers and freelancers, even though labour legislation in BiH does not recognize these as separate categories); d) Temporary work (including fixed-term contracts, seasonal and casual work); e) Informal or undeclared work; f) Internship and student employment (including volunteering). Given the situation that platform work is still not recognised as a specific employment relationship within the legislative regulation in the country, platform workers are being frequently categorised as independent contractors, which further exacerbates their precarity. When there is a contractual relationship with the employer, platform workers often receive service contracts, or they are considered self-employed, which means that they bear the costs of social security and employment protection. So, in addition to already being “outsiders” in the private sector, platform workers are additionally out in a

less favourable position than other private sector workers because their status is not yet recognised in the labour legislation. In short, despite their deepening precarity, these workers are doubly left out from the employment frameworks that exist throughout BiH.

**DESPITE THEIR DEEPENING PRECARIETY, PLATFORM WORKERS ARE DOUBLY LEFT OUT FROM THE EMPLOYMENT FRAMEWORKS THAT EXIST THROUGHOUT BIH.**

Even under such conditions that platform work offers, unemployed people are usually in a position of no better choice and they look for a source of income through informal work on platforms to ensure they find a job. However, this does not solve the problem of insecurity. Access to basic labour rights is impossible for anyone working under informal employment arrangements, which often puts them at risk of job and income loss, injuries at work without insurance coverage, overtime work, and a number of other situations that can lead to greater insecurity compared to their unemployment status. Even if platform workers become formal employees, the practice of income underreporting or concluding a service contract instead of an employment contract results in the reduction of access to or exercise of certain social benefits, such as pensions, health insurance or unemployment insurance.

The extent to which these practices are present on platforms in BiH cannot be precisely measured due to the lack of data; however, available evidence suggests that they definitely exist. Fairwork research in Bosnia and Herzegovina offers—for the first time—empirical evidence on the problems faced by workers on platforms, with the aim of providing a basis for discussions around possible changes in regulations. With the results of the research now available, solving the problem of platform work should begin with the recognition of this specific type of employment by decision-makers, as well as with raising awareness of the need to organize workers so that they can fight harder for workers’ rights.

# The Legal Context

**Bosnia and Herzegovina, like many other countries, faces the task of reconciling traditional labour laws with the unique dynamics of platform work. A traditional legal framework primarily focuses on employment relationships based on long-established norms, which may not adequately address the specific needs and vulnerabilities of platform workers. Platforms in BiH use a range of specific forms of establishing an employment relationship, from informal work to the conclusion of an employment contract for an indefinite period, as mentioned above.**

Labour legislation in BiH is not designed at the state level, as it is under the exclusive mandate of the three administrative units within the country (the Federation of Bosnia and Herzegovina, the Republic of Srpska, and Brčko District) which each have autonomy over their local regulations. This results in some differences of labour market policies between these units. Still, labour rights are granted in a similar manner in all three units, with some variations in their implementation (e.g., different institutions involved, different tax-benefit systems, and mandates for protection and safety at work). In addition, there are also legislative frameworks established in 10 cantons in the Federation of Bosnia and Herzegovina, which cannot withdraw rights granted at the level of entity but may introduce additional rights or regulate them in more detail (e.g., registries of self-employed persons). Consequently, the absence of comprehensive and unified legislation creates a legal void, potentially exposing workers to uncertainty and exploitation.

The employment relationship, and consequently the roles and responsibilities of employers and employees, are regulated by all three labour laws in the country.<sup>12</sup> None of these laws recognise the specific status of workers at platforms; only traditional forms of work, which assume the use of an employment contract, are covered. The laws leave the possibility that certain elements

of employment relationships are regulated by collective agreements, companies' rulebooks, and employment contracts, with an obligation that these bylaws do not reduce rights guaranteed by law. Also, there are limitations on the conditions under which contracts for temporary and occasional employment can be conducted, but in practice, there are often violations of these conditions that have become enshrined into the vernacular practice of employment relations (e.g., employment for regular work for the periods that require the conclusion of an employment contract).

Self-employed persons, such as independent entrepreneurs, are treated within specific regulations on craft operation in two administrative units, whereas the law on enterprises is applicable in the third unit.<sup>13</sup> Craft owners (i.e., independent entrepreneurs) may employ workers and conclude employment contracts with them. The research suggested that owners are registered at platforms and are responsible for managing their user profiles and negotiating terms and conditions with potential clients. Since they are operating their business not only through platforms but also using more traditional means (e.g., direct contracting with clients), their workers are not informed if the job is concluded via the platform or not. Therefore, they cannot be treated as 3PL (third-party logistics) platform models.



Employees with formal contracts are entitled to social security protection, which provides different contributory benefits to persons who have paid their contributions for a minimum period in order to protect them against social risks. Those risks include old age, professional illness, disability, death, or unemployment.<sup>14</sup> Since there is a considerable amount of informality recorded at platforms, as well as practices of not concluding employment contracts and regulating employment relationships only through platforms' terms and conditions, which do not have legal effects, most platform workers are not protected against these risks.

The research also revealed that there is only one platform that operates under the 3PL model. A 3PL—or 3rd Party Logistics—model is a system whereby a company outsources part of the delivery work of a product to another firm. In this case, it means platforms that specialise in









delivery are outsourcing the delivery work to other firms, whilst maintaining control over the platform application and technical systems. There is no specific regulation that forces platforms using a 3PL model to be responsible for working conditions even though they employ workers through partners. Partners that employ workers for the platform are responsible for working conditions similar to all other employers, where specificities of platform work are not recognised (e.g., flexible working time).

Regardless of all the shortcomings of the legal environment and the lack of protection mentioned above, most of the workers do not seem to complain because platforms offer them a unique opportunity to earn a monthly wage or an additional income to increase their household disposable income. Additionally, the workers we interviewed rarely knew what type of contract they had with the platform or what rights they had after signing these contracts.



# Fairwork Bosnia and Herzegovina Scores 2023

Minimum standards  
of fair work

Glovo	4 /10	
Korpa	2 /10	
Žuti Taxi	2 /10	
mojTaxi	1 /10	
StudenTime	1 /10	
Daibau.ba	0 /10	
Fix.ba	0 /10	
Šetnja.ba	0 /10	

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

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



# Explaining the scores



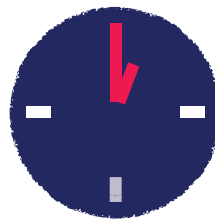
## Fair Pay

To achieve points for Principle 1, Fair Pay, platforms must be able to demonstrate that they ensure workers are paid at least the local minimum wage after work-related expenses are subtracted from their earnings can meet this threshold.

Only three—Glovo, Korpa and Žuti Taxi—out of 8 platforms could evidence that workers' net pay was at least the minimum wage of BAM 3.40 per hour.

When assessing the minimum wage, the scores considered the amount paid to the worker for hours worked and the cost of providing task-specific equipment and paying work-related costs out of pocket. Other costs included but were not limited to unpaid waiting times, travel costs, vehicles, petrol, mobile data, car washing, and any insurance costs.

In terms of the average wage, none provided evidence that all workers can earn an average wage after costs are considered. The threshold level was calculated to be equal to net BAM 6.50 per hour. None of the platforms provided evidence that an hourly living wage was included in their contracts with workers or other applicable policies.



## Fair Conditions

Platforms must demonstrate that they are aware of workers' risks and provide steps to mitigate them to meet this point.

This principle was fully met only by one platform, although several platforms evidenced promising practices that we hope will be developed further. Glovo evidenced that the health and safety of their workers is an important concern, given the fact that safety equipment is provided at no cost to workers in BiH and there is an adequate support mechanism to mitigate the risks of lone working, as well as safety training provided to all workers.

Although several platforms evidenced that workers do not suffer significant costs as a result of accident, injury, or disease by using employment contracts that ensure payment of the minimum wage, only Glovo provided evidence on additional insurance provided to all workers by default, which can be used to compensate for loss caused by the inability to work for short-term periods.

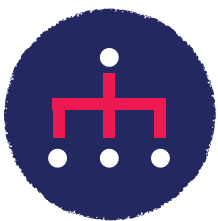


## Fair Contracts

For platforms to meet this principle, they must demonstrate that the contract or terms and conditions are clear and accessible to all workers.

Since there is a practice of informal workers present at several platforms without the possibility of workers appealing to relevant authorities, only StudenTime evidenced that all workers at the platform are covered by membership contracts, which are prerequisites for workers to access the platform. Some platforms have worker-specific terms and conditions in place, but due to the fact that these don't have legal force without signed contracts, those working informally are unable to seek fair conditions at the platform.

None of the platforms evidenced that no unfair contract terms were imposed, since there was no evidence provided to demonstrate either mechanisms to ensure that workers are notified in time of proposed changes nor for reliable mechanisms to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.



## Fair Management

To meet this point, platforms must demonstrate that workers are not arbitrarily deactivated and that there is an avenue for workers to meaningfully appeal disciplinary actions.

Four platforms—Glovo, Korpa, mojTaxi, and Žuti Taxi—

evidenced that there are effective communication channels for workers to communicate with a human representative on the platform and to effectively solve problems during all working hours. There are also effective mechanisms in place to appeal management decisions, including those affecting profile deactivations.

Though there are promising practices in place at several platforms, like anti-discrimination policies, there was no evidence provided to support the claim that all thresholds for equity in the management process have been achieved.



## Fair Representation

For platforms to get to this point, they should assure freedom of association and the expression of collective worker voice.

According to the evidence provided to us, mechanisms for the expression of collective workers' voice are missing on most platforms. Some platforms showed promising practises, but the research did not find evidence for consistent policies or regular mechanisms to enable workers representatives to communicate directly with platform managers.





















Although there are several general workers unions in the country, there is still no platform workers' union. However, there is no publicly available expression of interest to negotiate with the union once it is established issued by any of the platforms.



## PLATFORM IN FOCUS

# Glovo

Glovo is a multinational delivery platform that operates in Bosnia and Herzegovina using 3PL systems. Glovo operates as a comprehensive on-demand delivery platform, providing a diverse range of services beyond just food delivery. Users in Bosnia and Herzegovina can access multiple services, from groceries, pharmaceuticals, and household essentials to flowers, electronics, and various retail products, all through the same consumer facing app. The platform is present in both larger and smaller cities across the country.

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

Glovo's total score





Workers are employed by Glovo partners, and evidence showed that all of them were offered employment contracts and that most of them are covered by employment contracts. Regardless, Glovo evidenced that all workers are able to earn much more than the minimum wage per hour after costs. The calculations made revealed that Glovo considers a vehicle used for work as well as waiting time, safety equipment, and other work-related costs when determining remuneration for work.

The health and safety of Glovo couriers is considered as all safety equipment is made available to all couriers at no additional cost. There is also an SOS button and support channels available to all workers during their entire working time, where they can reach a human representative to deal with problems they may have. Workers are compensated for income loss, either through minimum wage payments or with additional accident insurance that all workers are covered by. Glovo is the only platform that provided evidence of these benefits being available to its workers.

## **GLOVO COURIERS IS CONSIDERED AS ALL SAFETY EQUIPMENT IS MADE AVAILABLE TO ALL COURIERS AT NO ADDITIONAL COST.**

Glovo couriers can—at any time—speak with a human representative on the platform, including a channel to appeal after the profile is deactivated. The platform also recently introduced a channel to report any discrimination on the platform, and their application provides a place for everyone, regardless of their demographic characteristics, to be assigned delivery tasks. The platform has recently introduced a practice of regular meetings with couriers' representatives, enabling them to communicate their issues and concerns around working conditions. Whilst not achieving 10, as the highest-rated platform in Bosnia and Herzegovina, Glovo shows that conditions can be improved upon by other firms.



# Workers' Stories

## Denis\*

is a 24-year-old delivery man. Because of his great ambition to pursue a sporting career, he moved to the capital. This required additional money, so Denis did various physical jobs at a very young age in order to earn a living. Currently, he only works for a platform as a delivery man, and with this job, he can earn more than any other job he has done before. He is very happy with the amount of money he has earned through the platform. Also, considering that he is involved in sports, riding a bicycle through the city is a great pleasure for him. He has his own daily routine that suits him, starting work early in the morning and delivering orders to addresses throughout the city. He works over 50 hours a week, but it's not too hard for him because he's in good shape. However, although he has found a job that can meet his financial needs and that suits him, working on the platform is not as simple as it seems. In addition to long waits, traffic jams, and inconveniences with clients and restaurants, he recently had a very unpleasant situation. While he was picking up the order, his bike went missing; someone had stolen it. For Denis, this meant that he was left without a basic means of work. He approached the platform and begged them to provide him with a temporary replacement means of transport until he bought a new bike; however, the platform did not respond to his request. Because of this, Denis could not work for two weeks. He had to borrow money to buy a new bike, then work more hours to earn and pay that money back. It was a very stressful period for him, but he had no other solution. Despite this, he still loves working for the platform and plans to continue doing this work until he is in a better financial situation.

## Alen\*

is an experienced delivery driver. He is 64 years old and has been working for the platform since they began operations in Sarajevo, using his own car to carry out tasks. He believes that it is a big advantage that he grew up in the Old Town of Sarajevo and that he knows well the small streets where he frequently delivers. For younger and less experienced workers, this is a problem, but not for him. He is satisfied with his monthly income; payments are always on time, and he has good relations with the company with whom he has signed an employment contract. He also has health insurance and all the other benefits as workers in other sectors. He especially likes working on the platform because it offers him flexibility; he is an older man, so when he gets tired, he can easily take a day or two off. He is a representative of workers who are employed by the same partner. They can turn to him when they have problems, and he has regular meetings with managers with whom he negotiates about possible changes. At these meetings, the working conditions are most often discussed. Although he is happy working on the platform, due to his age, Alen will soon have to stop working because he has to retire and cannot be employed at the same time. He will probably get a job on another platform where he can work informally since he still feels able to work.

\*Names changed to protect worker identity.

## THEME IN FOCUS

# Obstacles in achievement of full flexibility in working on platforms

In Bosnia and Herzegovina, the concept of flexible work arrangements has gained increasing importance in recent years, especially with the rise of online platforms that connect workers with various job opportunities. However, achieving full flexibility in working on platforms is not without its challenges due to legal restrictions. These restrictions encompass a range of factors, including labour laws, contract regulations, and social security requirements. In the context of platforms in Bosnia and Herzegovina, the most important thing to address is the possibility of working in part-time arrangements as well as student employment.

Current legal frameworks in FBiH and RS do not allow full-time employees to engage in additional part-time employment contracts, thus disabling those working as full-time employees to gain additional income working on platforms. Consequently, platforms are incentivised to produce contracts for temporary and occasional work with those working full-time for different employers or to entirely avoid signing a contract. According to the FBiH Labour Law, part-time working time is considered to be any working time shorter than full-time (40 hours per week), and a worker who has engaged in a part-time contract can partake in more such contracts up to the number of hours of full-time employment (Article 36)<sup>15</sup>. The situation is slightly different





in RS and BD, where it is possible to conclude a part-time employment contract but with a limitation (“cannot be shorter than  $\frac{1}{4}$  of full-time work”) (Article 41<sup>16</sup> and Article 34<sup>17</sup>), which means that the new part-time employment contract must be concluded with a weekly working time of more than 10 working hours. Such a limitation on weekly working hours has consequences for workers who are not able to work an additional 10 hours per week, or if flexible working time during weeks within a month is needed, as can be the case with platform work.

Another obstacle in FBiH is the fact that, according to Article 7 of the Law on Contributions of FBiH<sup>18</sup>, the wage of the employee serves as the foundation for calculating contributions paid, and as such, it cannot be less than the lowest salary specified in the General Collective Agreement. As a result, employers must make contributions that are at least as high as the minimum salary for a full-time employee. Companies must therefore contribute more per hour worked for part-time workers as a result, especially for those at the bottom of the pay scale. For instance, a business must make the same amount of monthly payments for a part-time employee who works 20 hours per week at the minimum wage and a full-time employee who works 40 hours per week at the minimum wage. In essence, contributions made for a part-time employee like this are twice as much as they would be for a full-time employee. Since employers are better off hiring one full-time employee than two part-time employees, this is predicted to create disincentives for part-time labour which is an important possibility for platform workers.

The Law on Employment of FBiH, RS, and BD does not regulate or even acknowledge student employment in Bosnia and Herzegovina. Both full-time and part-time students must adhere to this. Regular students follow a set curriculum, have their primary status as students, and the state typically covers or subsidizes their tuition costs. Part-time students, on the other hand, may be employed or unemployed and registered with the employment service. They follow a customized curriculum that is tailored to their work obligations.

This means that in terms of the labour market, part-time students are permitted to sign full- or part-time employment contracts, whereas full-time students are required to register with a student employment centre or service, but only in order to be eligible for temporary and irregular employment. Other regulations that address student employment, volunteerism, and internship

opportunities exist, but none of them are sufficiently specific to distinguish students from other individuals. Platforms frequently hire students as employees, and one platform works only with students and enters into membership agreements with them.

The existing provision permits full-time (regular) students to engage in temporary and irregular employment, although that option is constrained by the employment relationship’s brief duration, which is limited to 60 days per year in FBiH. (Article 166)<sup>19</sup>. Following conditions should be respected: temporary and occasional jobs are laid down in the collective agreement or in the rules of procedure, temporary and occasional jobs do not represent jobs for which the employment contract can be concluded for a definite or indefinite period of time—full or part-time.

In RS, temporary and occasional employment does not constitute employment for which an employment contract may be established, and regular students may only engage in such employment for up to 90 days in any given year (Article 204)<sup>20</sup>. This agreement may be reached with an unemployed person, a worker who is not yet employed full-time but is working toward it, a member of a student or youth cooperative in line with specified rules, and a pensioner. The labour law in BD has a similar clause (Article 40)<sup>21</sup>.

In conclusion, the full realisation of flexibility for workers on platforms is hampered in Bosnia and Herzegovina by the limitations imposed by labour laws and social security requirements. Platform workers may not receive the same degree of protections and benefits as regular employees because of these constraints, which frequently create a grey area. To guarantee that platform workers receive fair working conditions, sufficient pay, and access to social security benefits, it is imperative that the legislative environment is re-assessed. Whilst not wishing to remove all employment legislation and structurally weaken the position of workers, the reality many face is informal work by necessity as strict laws surrounding working time act to limit the abilities workers have to meaningfully engage in work. This is relevant to platform work, but also to the broader labour market and economy in BiH. We hope renewed attention will create comprehensive and well-balanced legislation that advance the rights of platform workers while simultaneously promoting innovation and economic progress. To do so successfully, policymakers and a diverse array of stakeholders must work together in sustained dialogue.

## MOVING FORWARD

# Pathways of Change

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 2: Fairwork's Pathways to Change

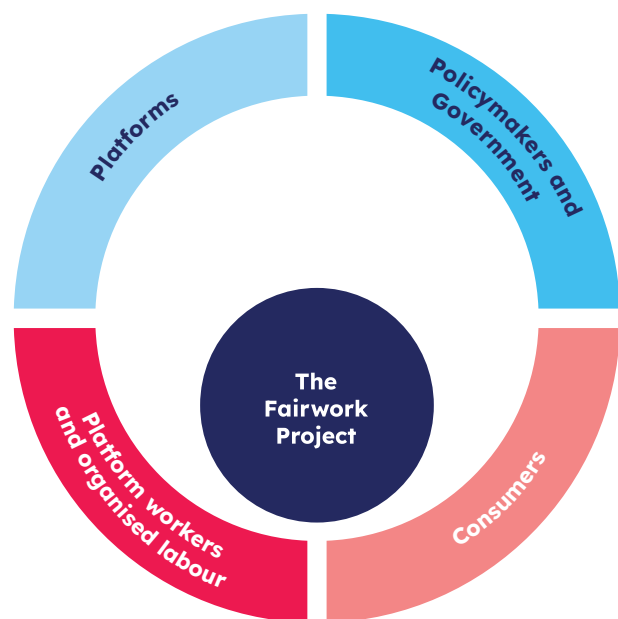
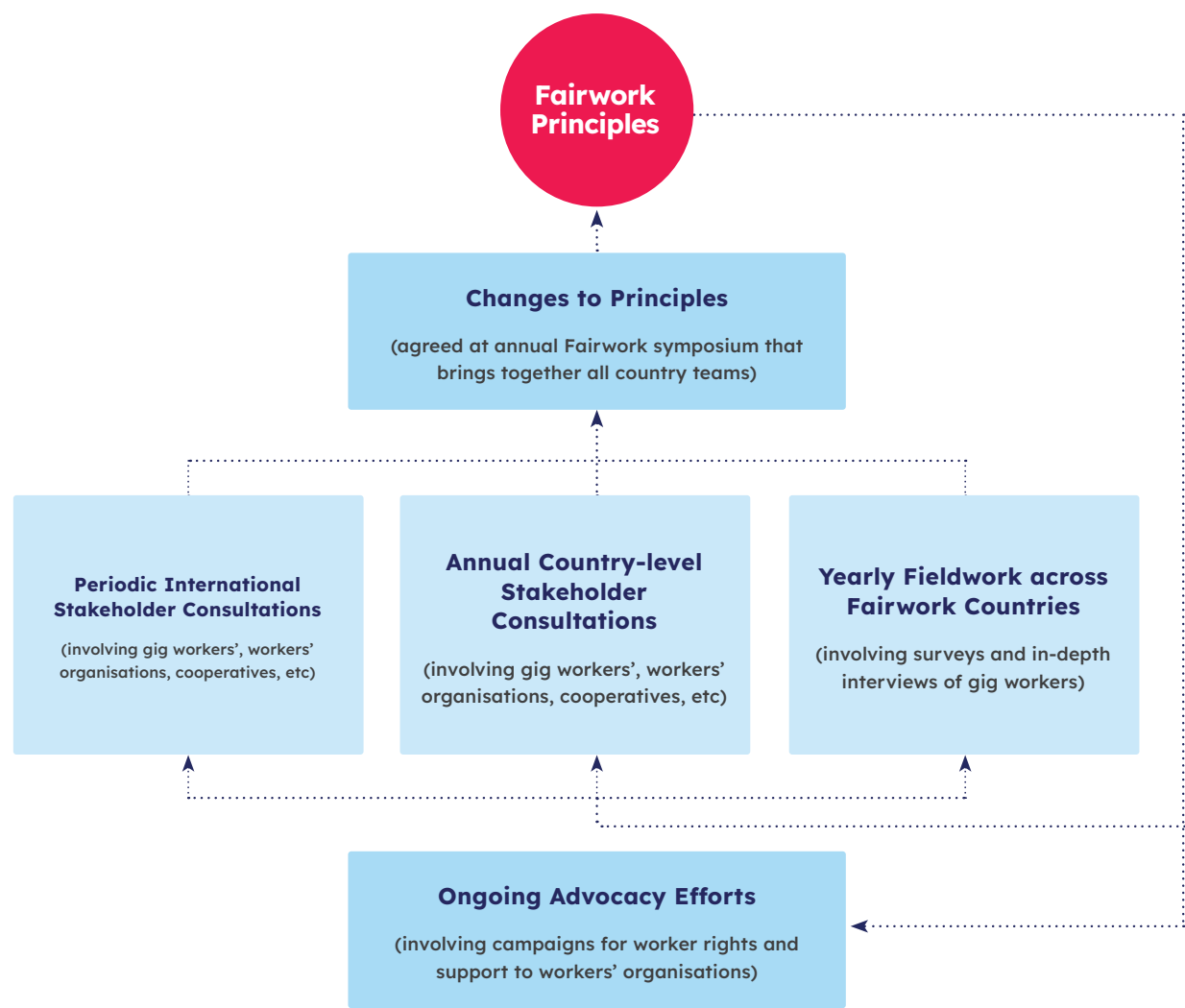




Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



# 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. We are proud to announce that CREDI has recognised the importance of the Fairwork Pledge and joined it as an official supporter in BiH. 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 ABOUT  
THE PLEDGE, AND HOW TO SIGN UP,  
IS AVAILABLE AT**

**FAIR.WORK/PLEDGE**





## APPENDIX

# Fairwork Scoring System

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

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”.<sup>22</sup> That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”.<sup>23</sup> Marketplaces that do not facilitate labour exchanges—for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods)—are obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models.<sup>24</sup>

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

Fairwork distinguishes between two types of these platforms. The first, is “geographically-tethered” platforms where the work is required to be done in a particular location such as delivering food from a restaurant to an apartment, driving a person from one part of town to another or cleaning. These are often referred to as “gig work platforms”. The second is “cloudwork” platforms where the work can, in theory, be performed from any location via the internet.

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

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

## How does the scoring system work?

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

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

The second point under each Principle can only be awarded if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

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

Table 1 Fairwork: Scoring System

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

Maximum possible Fairwork Score





## Principle 1: Fair Pay

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

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.<sup>25</sup> Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.<sup>26</sup> Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours.<sup>27</sup> To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

#### The platform takes appropriate steps to ensure both of the following:

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.<sup>28</sup>

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

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

#### The platform takes appropriate steps to ensure the following:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.<sup>29,30</sup>

## Principle 2: Fair Conditions

### 2.1 – Mitigates task-specific risks (one point)

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

#### The platform must satisfy the following:

- Adequate equipment and training is provided to protect workers' health and safety from task-specific risks.<sup>31</sup> These should be implemented at no additional cost to the worker.
- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.

### 2.2 – Ensures safe working conditions and a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

#### The platform must satisfy ALL of the following:

- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.
- Workers should be compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.
- The platform implements policies or practices that protect workers' safety from task-specific risks.<sup>32</sup> In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

## Principle 3: Fair Contracts

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

The terms and conditions governing platform work are not always clear and accessible to workers.<sup>33</sup> To achieve this point, the platform must demonstrate that workers are able

to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

### **The platform must satisfy ALL of the following:**

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

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

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

### **Regardless of how the contractual status of the worker is classified, the platform must satisfy ALL of the following:**

- Every worker is notified of proposed changes in clear and understandable language within a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.
- The contract/terms and conditions neither include clauses which exclude liability for negligence nor

unreasonably exempt the platform from liability for working conditions. The platform takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

- In case platform labour is mediated by subcontractors: The platform implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.
- In cases where there is dynamic pricing used for services, the data collected and calculations used to allocate payment must be transparent and documented in a form available to workers.

## **Principle 4: Fair Management**

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

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

### **The platform must satisfy ALL of the following:**

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface.<sup>34</sup>
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.



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

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

##### Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.<sup>35</sup>
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

### Principle 5: Fair Representation

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

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the

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

##### Platforms must satisfy ALL of the following:

- There is a documented mechanism<sup>36</sup> for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface.<sup>37</sup>
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.<sup>38</sup>

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

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

##### The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation.<sup>39</sup>

## ENDNOTES

1 Given the variety of business models used by platforms in Bosnia and Herzegovina, in order to enable comparison between them, the threshold is based on the net minimum wage per hour, which was equal to BAM 3.40. It is an average hourly wage used in three administrative units in Bosnia and Herzegovina.

2 Since there is no accurate living wage estimation for Bosnia and Herzegovina as well as a reliable and up-to-date calculation of the costs of the consumer basket, the threshold used was an average net hourly wage paid in 2022 in all three administrative units, which was equal to BAM 6.50 per hour.

3 [https://bhas.gov.ba/data/Publikacije/Saopštenja/2023/LAB\\_00\\_2022\\_Y1\\_1\\_BS.pdf](https://bhas.gov.ba/data/Publikacije/Saopštenja/2023/LAB_00_2022_Y1_1_BS.pdf)

4 [https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/WCMS\\_471903/lang--en/index.htm](https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/WCMS_471903/lang--en/index.htm)

5 [https://www.rcc.int/download/pubs/Employment%20report\\_web.pdf/bd4ac07658b29ab7f7899680cbe90107.pdf](https://www.rcc.int/download/pubs/Employment%20report_web.pdf/bd4ac07658b29ab7f7899680cbe90107.pdf)

6 Envelope payments work in a way that employers pay the employee officially (i.e. into their bank accounts) a lower salary than the average for a similar job, and then pay the rest pay in cash in addition to the official salary. Only the part of the salary which is officially declared serves as a basis for paying social security contributions.

7 According to the EPL index, which was 2.45 in 2015 (as calculated within the CREDI research project on ex-ante assessment of changes in labour legislation in BiH) and 2.60 as reported by the OECD measured on the scale 0 - 6 - whereas higher values of the index represent stricter regulation. The index in BiH is still slightly higher than the average index of EU and OECD countries. We emphasize that there is a discussion about the sensitivity of the index to changes within the components, and the total value should be interpreted with caution. [http://www.oit.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms\\_169176.pdf](http://www.oit.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_169176.pdf)

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25 Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

26 The ILO defines minimum wage as the "minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract". Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO's Minimum Wage Fixing Convention, 1970 C135

sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

**27** Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

**28** In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.

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

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

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

**32** The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health".

**33** Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.

**34** The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.

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

**36** A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management.

**37** For example, "[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions".

**38** See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that "workers and employers, without distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation" (Article 2); "the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof" (Article 3) and that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority" (Article 4). Similarly the ILO's Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 ratified C087 and 167 ratified C098.

**39** If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers' queries to its communication with the existing representative body.



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## Authors:

Nermin Oruč, Amela Kurta, Ilma Kurtović, Adam Badger, Mark Graham.

## Fairwork Team:

Jana Ababneh, Eisha Afifi, Wirawan Agahari, Pablo Aguera Reneses, Iftikhar Ahmad, Shamarukh Alam, María Belen Albornoz, Luis Pablo Alonzo, Oğuz Alyanak, Hayford Amegbe, Branka Andjelkovic, Marcos Aragão, María Arnal, Arturo Arriagada, Daniel Arubayi, Sami Atallah, Tat Chor Au-Yeung, Ahmad Awad, Razan Ayesha, Adam Badger, Meghashree Balaraj, Joshua Baru, Ladin Bayurgil, Ariane Berthoin Antal, Alessio Bertolini, Wasel Bin Shadat, Virgel Binghay, Ameline Bordas, Maren Borkert, Álvaro Briaes, Lola Brittain, Joe Buckley, Callum Cant, Rodrigo Carelli, Eiser Carnero Apaza, Eduardo Carrillo, Maria Catherine, Chris King Chi Chan, Henry Chavez, Ana Chkareuli, Andrea Ciarini, Antonio Corasaniti, Pamela Custodio, Adriansyah Dhani Darmawan, Olayinka

David-West, Janine De Vera, Luisa De Vita, Alejandra S. Y. Dinegro Martínez, Brikena Kapisyzi Dionizi, Ha Do, Matías Dodel, Marta D'Onofrio, Elvira Drishti, Veena Dubal, James Dunn-Willimason, Khatia Dzamukashvili, Pablo Egaña, Dana Elbashbishy, Batoul ElMehdar, Elisa Errico, Úrsula Espinoza Rodríguez, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Farah Galal, Jackeline Gameleira, Pía Garavaglia, Chana Garcia, Michelle Gardner, Navneet Gidda, Shikoh Gitau, Slobodan Golusin, Eloísa González, Mark Graham, Rafael Grohmann, Martin Gruber-Risak, Francisca Gutiérrez Crocco, Seemab Haider, Khadiga Hassan, Richard Heeks, Sopo Japaridze, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Nur Huda, Huynh Thi Ngoc Tuyet, Francisco Ibáñez, Neema Iyer, Tanja Jakobi, Athar Jameel, Abdul Bashiru Jibril, Ermira Hoxha Kalaj, Raktima Kalita, Revaz Karanadze, Zeynep Karlidağ, Lucas Katera, Mishal Khan, Bresena Dema Kopliku, Maja Kovac, Anjali Krishan, Martin Krzywdzinski, Amela Kurta, Ilma Kurtović, Morad Kutkut, Tobias Kuttler, Arturo Lahera-Sánchez, Jorge Leyton, Georgina Lubke, Bilahari M, Raiyaan Mahbub, Wassim Maktabi, Oscar Javier Maldonado, Laura Clemencia Mantilla León, Claudia Marà, Ana Flavia Marques, Margreta Medina, Rusudan Moseshvili, Nacef Mouri, Jamal Msami, Hilda Mwakatumbula, Beka Natsvlishvili, Mounika Neerukonda, Ana Negro, Chau Nguyen Thi Minh, Sidra Nizambuddin, Claudia Nociolini Rebecchi, Bonnita Nyamwire, Michelle Ogolla, Oluwatobi A. Ogunmokun, Frederick Pobee, Daviti Omsarashvili, Caroline A Omware, Nermin Oruc, Christian Nedu Osakwe, Balaji Parthasarathy, Francesca Pasqualone, María Inés Martínez Penadés, Leonhard Plank, Frederick Pobee, Valeria Pulignano, Jack Linchuan Qiu, Jayvy R. Gamboa, Ananya Raihan, Antonio Ramírez, Juan-Carlos Revilla, Ambreen Riaz, Alberto Riesco-Sanz, Nagla Rizk, Moisés K. Rojas Ramos, Federico Rosenbaum Carli, Cheryll Ruth Soriano, Julice Salvagni, Derly Yohanna Sánchez Vargas, Maricarmen Sequera, Murali Shanmugavelan, Aditya Singh, Shanza Sohail, Janaki Srinivasan, Anna Sting, Zuly Bibiana Suárez Morales, David Sutcliffe, Mubassira Tabassum Hossain, Tasmeena Tahir, Ainan Tajrian, Dinh Thi Chien, Kiko Tovar, Funda Ustek Spilda, Jonas Valente, Giulia Varaschin, Daniel Vizuite, Annmercy Wairimu, Jing Wang, Robbie Warin, Nadine Weheba, Najlae Zhani and Sami Zoughaib.

## External scoring reviewers:

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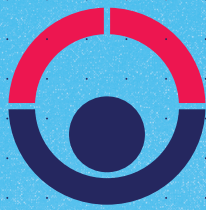


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