

**Protecting Worker Health, Safety, and security in the
Philippine Platform Economy**

Philippines Ratings 2023

Accessible version

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Introduction

Executive Summary

The second Fairwork report for the Philippines examines the working conditions of Filipino platform workers in the “new normal”. In year one, our report was situated in the middle of intermittent lockdowns, mobility restrictions, and social distancing policies. This year, our report focused on platform labour conditions in the context of the reopening of the Philippine economy—where travel, business, and everyday activity resumed to normalcy.

This report evaluates 10 platforms operating in the Philippines that service four (4) and two (2) wheel ride hailing and delivery: Angkas, Borzo, GrabCar, Grab Food/Express, Foodpanda, Joyride, Joyride Car, Lalamove, Maxim, and TokTok. GrabCar leads the 2023 league table with three points.

The overarching theme of this year’s report is *Worker Health, Safety, and Security*.

This Report situates our ratings and analysis within the ambivalent nature of labour platforms for Filipino workers. On the one hand it gives displaced workers with no better options a sense of everyday sustenance from hunger, or an opportunity to secure their families’ needs in the context of poor employment alternatives. On the other hand, the report found critical issues of platform-related debt, a lack of safety nets, and long-term financial insecurity. We also emphasise the multiple occupational health and safety risks Filipino gig workers face everyday on the road, along with shortcomings in terms of basic safety protections from accidents, illnesses and death.

Workers’ need to be financially secure should not necessarily drive them to greater health risks, but the platform economy can produce conditions conducive to this. Gig workers tend to stretch their working hours to secure more gigs to earn what they need to remain afloat amid fluctuant rates, opaque pay structures, rigid ratings, and increasing competition. Workers are compelled to do this not only as a “free” choice, but also due to unfair or predatory pay and incentive structures. The lack of measures to protect workers’ safety heightens their vulnerability, and the absence of safety nets implies that any sudden inability to work redounds to livelihood insecurity.

Government and market forces continually promote gig work as a viable entrepreneurial and employment opportunity amid lacking labour regulations. Addressing the safety concerns

and policy gaps in the platform-based ride-hailing and delivery sector in the Philippines that go beyond compliance is urgent and requires a collaborative effort from the government, platform companies, and worker representatives. Reforms in labour laws, social protections, the implementation of occupational health and safety measures and transparent insurance coverage are all essential, and acute. If we do not attend to these now, the Philippines will have a large segment of the labour force in the near future that is physically depleted yet without access to insurance or protection, reinforcing cycles of insecurity and poverty.

Amid the continually growing number¹ of Filipino workers and families dependent on the gig economy, this Report emphasises the importance of thinking about the platform economy not just as a temporary or an exceptional labour condition, but rather as a longer-term feature of work².

Platforms continue to grow in reach and scale, outpacing labour governance mechanisms and the capacity of our regulatory frameworks to respond to emerging issues.

Platforms continue to grow in reach and scale, outpacing labour governance mechanisms and the capacity of our regulatory frameworks to respond to emerging issues. We need to outgrow consumer-focused regulations and address business risks being pushed down to at-risk workers. This calls for responsive policy reforms attuned to the conditions of this economy while at the same time respecting the basic standards of fairness that labour legislations of the past have sought to secure. Importantly, this includes attending to workers' urgent need for rights relating to their safety and security amid ambiguities in their labour classification.

Recently, there has been a surge of labour unrest among workers in the ride-hailing and delivery sectors of the platform economy, not only in the Philippines but in other countries as well. Multiple stakeholders such as the media and civil society organisations can play important roles in making these protests more visible and supporting workers in exerting greater pressure on platforms to commit to promoting worker safety and security (specifically), and to fairer work (broadly).

The Fairwork Philippines project is hosted by De La Salle University's Social Development Research Center with team members from Ateneo de Manila University, University of the Philippines' School of Labor and Industrial Relations, and partners from the University of Oxford. The scoring process is an independent assessment of platforms led by a team

of researchers with no affiliation to workers, platforms, or the government. The team assessed evidence against the five principles of Fairwork (Fair Pay, Fair Conditions, Fair Contracts, Fair Management, Fair Representation) through a combination of desk research and interviews conducted with workers based in Metro Manila, Pampanga, Cebu, Cavite, and where possible, from evidence provided by the platforms.

A point is awarded only when there is sufficient evidence that the platform fulfils the conditions of a principle. However, when platforms are taking steps to implement policies that are likely to help them meet the principles, those steps are identified.

The results reported here, with across various principles, evidence the reforms needed to improve workers conditions. Our hope is that platforms, consumers, workers and regulators will use the Fairwork framework and ratings to imagine, and realise, decent working conditions in the Philippine platform economy.

Since the publication of our Year 1 Report, the Fairwork Philippines team has shared our results in consultations with worker unions and associations, following and documenting developments in their organising process as well.³ We joined legislative and policy discussions led by government and advocacy groups, provided inputs to the ASEAN Employment Outlook 2023,⁴ developed multimedia materials⁵ and Editorials on the conditions of labour in the local platform economy.⁶ This is with the hope of making the results of our research useful for triggering critical reforms in this sector.

We encourage consumers and organisations to use our 2023 Report scores to make informed decisions when choosing which platforms to use. We also hope that these scores can be useful to the collective bodies of workers when they raise demands.

Finally, the findings of this report can provide regulators with the basis to better understand the dynamics of platform labour and the realities of working conditions. In turn we hope they can formulate pro-worker reforms in the platform economy in consultation with other stakeholders to bring about a wide spectrum of improvements.

Fairwork Philippines Team

Cheryll Ruth Soriano, Virgel C. Bingham, Margreta Medina, Chana Marie Garcia, Jayvy R. Gamboa, Tobias Kuttler, and Mark Graham

Key Findings

Fair Pay

Our study could not find evidence that any platforms studied ensured that workers earn at least the daily minimum wage of PhP610 or US\$11.227 after work-related costs, or that they provided payment on-time and in-full.

When assessing platforms under the Fair Pay principle, the study considered the amount earned by the worker from performing gigs, as well as work-related costs and time spent waiting between jobs. Although some workers who work for long hours in a day can meet the minimum wage threshold at a gross income level, many fall below it when the cost of task-specific equipment they need for performing the tasks and other work-related costs are factored in.

The report also could not find evidence that platforms ensure workers earn at least the local living wage (assessed as P1,000 or \$US 18.40 for 20238). In fact, the report highlights how workers work long hours to cover expenses and barely meet the minimum wage after costs, let alone make a living wage.

Fair Conditions

One platform (GrabCar) could evidence practices to protect workers from risks associated with their jobs. Some examples of good practices included providing free safety training and emergency buttons embedded in the app that help protect workers from risks, including that of lone-working.

For 2W ride hailing or delivery work, we looked at whether platforms provided protective equipment at no cost to workers. We could not find evidence that any platform providing 2W service met this condition.

For the second point, we looked for evidence of free accident insurance and other safety nets. Although some platforms provided benefits beyond direct task-specific risks, such as educational or calamity assistance and fuel discounts, we could not evidence that any of the platforms we studied provide income security to workers in the case of sickness or inability to work. Some platforms facilitate the provision of accident insurance but the costs are shouldered by the workers. No platform received the second point for fair conditions.

Fair Contracts

Of the ten platforms studied, the study found evidence that GrabCar, Grab Express, Lalamove and Angkas provide clear and accessible terms and conditions and data privacy policies that were communicated to workers in a comprehensible language.

We lacked evidence that the rest of the platforms explained their contracts to workers in a language that can be fully understood and that they announced changes to the work agreements that can affect pay or working conditions within a reasonable timeframe prior to implementation. No platform received the second point for fair contracts. Our evidence shows that most contracts excluded liability on the part of the platforms.

Fair Management

Only two platforms (GrabCar and Grab Express) were evidenced to have communication mechanisms for workers to course through their concerns and to meaningfully appeal low ratings, payment issues, deactivations, and other penalties and disciplinary actions that provide workers greater recourse opportunities.

We could not find sufficient evidence to award this point to other platforms. None of the 10 platforms were awarded the second point for fair management. While some have anti-discrimination policies, we could not find sufficient evidence for any of the platforms having proactive policies that are inclusive of disadvantaged groups, or clarity on how algorithms are used to determine fair work and remuneration.

Fair Representation

Being able to freely organise under a recognised collective body is a fundamental right for workers in most countries. In the Philippine platform economy, there is still much that could be done to improve conditions in this regard, both in terms of the organisation of workers and recognition of worker-led organisations.

We could not find any evidence that the platforms we studied this year assured freedom of association and the expression of collective worker voice. We also could not prove that the platforms we studied supported democratic governance.

Overall, platforms must reassess their policies and practices to ensure platform workers' well-being and rights. Implementing fair pay structures, providing comprehensive training and safety protocols, ensuring transparent contracts, promoting inclusive management

practices, and recognizing the collective voice of workers are essential steps toward creating a fair and sustainable platform work ecosystem.

Shouldering the Cost of Production but with No Safety Nets

While the growth of the gig economy has assuaged Philippines' unemployment figures and helped provide income opportunities for workers displaced from the economic shutdown, recent economic analyses have also raised concerns about the growing informality and the rise of low-paid and precarious jobs in the local labour economy that occurs in-tandem with the platform economy's surge.⁹ At a regional level, the ASEAN Employment Outlook of 2023 cautioned about the "issues and challenges to decent work" that arise from the platform labour market where "innovations are largely outpacing regulations".¹⁰

Multinational ride-hailing and delivery platforms such as Grab, Foodpanda, Lalamove, Maxim and Borzo have gained their market share while native start-ups such as Angkas, Joyride, or TokTok have proliferated across the archipelago. The platforms' independent contractor model takes the elements of informality but rebrands the worker as free, flexible, independent, and entrepreneurial.

Yet, because platform workers are considered as independent contractors, they shoulder the daily operating costs that include fuel, mobile phone credit for data and calls, and vehicle repair and maintenance. Add to the list the boundary fees, drivers' everyday remittance to vehicle owners (locally called "operators"), monthly repayments of smartphone and vehicle loans. More than half of the workers we interviewed over the past two years shared that they had struggled over the past two years to earn at least a minimum wage after costs. It is evident that workers become tied to financial commitments and indebtedness due to labour platformisation. This in turn chains them further to platform work.

The phenomenon of debt-financed labour is a feature already observed by extant labour migration literature¹¹ where desperate workers from rural households were found to deplete significant resources in terms of land and other assets in order to gain access to migration opportunities.¹² The situation of "platform-related debt" extends this situation of debt-financed labour. In 2021, the Fairwork Bangladesh Report raised the issue of

“platform-debt” which “refers to a situation when a gig worker’s monthly work-related costs exceed their earnings”.¹³ We found a parallel situation in the Philippines.

In this section, we illustrate that “platform-related indebtedness” in the Philippines pertains to three interrelated conditions closely tied to platform-mediated labour management:

1) *workers become indebted in the aspirational process of gaining access to platform work (workers become indebted to intermediaries for access)*; 2) workers experience insecurity as they assume the costs of production that platforms are supposed to shoulder (*platforms’ debt to workers*); and, 3) workers become further chained to platform labour as a result of indebtedness (*workers become indebted to platforms for survival*).

The forces leading to this situation of platform-related debt include social relations of dependency and indebtedness that are inscribed in entrenched systems of usurious money lending, labour contracting, and exploitation in the global South. Labour platformisation therefore depends on and reinforces such systems of exploitation in the Philippines, further compounded by vehicle rental/boundary systems and the irresponsible marketing of vehicles to platform labour aspirants. We discuss the three mechanisms of platform debt in the following sections, along with worker experiences. All names are pseudonyms and quotes are translated to English.

Workers become indebted in the aspirational process of gaining access to platform work

Platform labour is inscribed in long-standing markets of usurious money lending, pawning, and labour contracting (already entrenched in local taxicab and *jeepney* systems in the Philippines) that contribute to platform’s labour’s local viability. This includes the capacity to borrow in small units (i.e. sachet or “*tingi*” transactional culture) and engage in flexible loan terms. With minimal identification requirements and with more accessible payment terms, they also facilitate financial access to the lowest income groups.

These informal credit economies support the growth of the platform labour force, essentially facilitating access to workers given the platform business model of relegating work-related costs and assets—such as vehicles and their maintenance, insurance and safety equipment—to workers.

Unlike in platform advertisements where drivers who own cars can take up “side gigs”, in reality many Filipino gig workers who took up ride hailing as a source of income are unable to afford their own vehicles upfront. Thus, they depend on car operators who own

fleets of cars lent for ride hailing, or on micro-lending schemes to access funding to acquire motorbikes. This mechanism has been well-entrenched in the Philippine labour sector in the context of traditional transportation modalities, such as taxi and jeepneys.

From our research data, 4W ride-hailing drivers pay an average boundary fee of P900 (US\$15.72). This is akin to a rental fee after a day's work for the use of a sedan or a basic utility vehicle. As Edgar (four wheel driver, with boundary) explains:

“I need to earn a net of P2,000 (US\$35) daily to keep up with the expenses of a family of four, but if I add the fuel cost of P1,000 (US\$17.50) and another thousand for the operator's boundary fee, then the amount reaches up to P4,000 (US\$70). Right now, I can't hit my target income. What I earn is only enough for food. I still have to pay house rent and support for my children's education”.

Transportation Network Vehicle Services (TNVS) operators in the Philippines are regulated by the Land Transportation Franchising and Regulatory Board (LTFRB), which dictates a fare matrix for TNVS, preventing platforms from charging exorbitant fees.¹⁴

The boundary fee depends on the negotiation between the driver and operator. The amount may be fixed or can be a range, e.g. P800 to P1000 (US\$13.98 to US\$17.47) taking into account the availability of bookings, accountability in vehicle maintenance, and even the operator's compassion or relationship with the driver.

Further, with the surge in popularity of platform labour as a viable livelihood opportunity, marketing of cars and motorcycles directed at potential ride-hailing workers has intensified. Some of these promotions are centred around promotions such as “no cashout” or “zero downpayment,” only to result in more costly monthly amortisations as the usual upfront cost of acquiring a vehicle is deferred, but with larger interest rates. Many Filipino workers are lured by the promises of the platform economy, imagining that they would be able to recuperate the cost of purchasing a vehicle from their earnings in due time.

In 2021, nineteen of our interviewees were obligated to pay amortisations that average P145 (US\$2.53) for two-wheels and P560 (US\$9.78) for four-wheels when computed on a daily basis. Almost all of them (17 of 19) had take-home earnings that were below the minimum wage after costs. This year, 26 workers interviewed deduct amortisation

payments that average P145 (US\$2.67) for two-wheels and P755 (US\$13.89) for four-wheels from their daily income. The vehicle repayment was higher than in 2021, and has placed more than half of them (16 of 26) into less than minimum wage income earners.

Workers also become compelled to perform emotional labour with local intermediaries to be able to address conditions of insecurity. Scholars¹⁵ argue that economic transactions in platform labour need to consider the “moral economy” which consists of “social norms, obligations, shared understanding, and social contracts that undergird, sustain, and inform certain kinds of economic exchanges¹⁶. These involve informal unpaid labour practices that happen in webs of reciprocity and kinship. As Alvin, a delivery rider shared:

“...I owe my gig work to my operator. My operator, who acts as the manager of the riders, is kind and provides incentives to motivate us to perform well. However, incentives are a prerogative of the operators. I’m not sure if other operators do the same. I loaned the motorbike from my operator, too and paid P375 (US\$6.56) weekly”.

Alvin shared that he exerts some effort to maintain good relations with his operator. As platform labour in the Philippines is intermediated by local financial power holders (i.e. debtors, vehicle owners, operators), workers negotiate the daily boundary through such relational labour. Workers would sometimes give unpaid favours to be able to bargain for adjusted daily boundary rates. Far from being uniform, the capacity to access and navigate these relationships are also shaped by class, gender, and existing relations of reciprocity or dependency. Vernacular knowledge in navigating relations of exchange also plays out in how workers get the better share in these transactions.

Workers experience insecurity as they assume the costs of production in platform-mediated organisation of work (platforms’ debt to workers)

Many workers interviewed end up with a negative value after computation of earnings and costs, meaning that their spending for operating costs is higher than the earnings received from platform work. An ideal day for a worker would mean having sufficient take home earnings to meet daily needs after deducting work-related costs, including vehicle loans

and “boundaries”. Last year, close to three in every four workers were earning below the 2022 hourly minimum wage of P67.12 (US\$1.17) after work-related costs were factored in. For this year’s report, interviews from December 2022 to May 2023 yielded still a majority of workers with a net income that is below the hourly minimum wage of P76.25 (US\$1.40).¹⁷

As one worker lamented:

“I have my own job na pinaka-fallback ko. Kung mag-a-abono lang ako sa kanila, nagpapakapagod ako sa wala. It’s not worth it”.

(If I will have to advance all of these costs, then I am labouring and getting tired for nothing. It’s not worth it). This can be said for workers who see gig work only as a side gig. However, a large number of workers have taken up platform work as their main source of income and have no choice but to spend longer hours on the platform to be able to recuperate the costs of performing work and earn enough to pay for daily needs.

Workers shared that apart from vehicle related expenses, they also shoulder hefty penalties and the costs related to scams. Cancellations are penalised by placing the rider’s account on hold, in which case, workers lose the opportunity to earn until the account is reactivated:

“What I don’t like with the platform I work for is that cancellations are penalised by placing the rider’s account on hold, in which case, I lose the opportunity to earn until my account is activated again... A wrong pin on the app results in longer transit time to pick up or deliver a package. That results in higher fuel costs and fewer bookings for me (Merwin, delivery rider, with vehicle repayment)”.

Some platforms have mechanisms to compensate riders for incorrect pins, cancellations, or scams, but the process for workers to prove that they are not on the erring side can be onerous. The absence of standards means that many platforms do not and are compelled to provide safety nets. Not only do workers end up shouldering the burden, they may not be paid for the labour rendered when they encounter scams, cancellations, or booking errors. Some workers subscribe to insurance on their own, compounding the enormity of costs in sustaining a vehicle, paying penalties, as well as basic work-related costs.

Workers become chained to platform labor as a result of indebtedness (workers become indebted to platforms)

Many workers shared that because they have already acquired vehicles and have to pay the amortisation rates, they have no choice but to “hustle” (kayod) or juggle several platforms to get by. Joey, a rider for two platforms who continually pays amortisation for his motorbike, illustrates this struggle:

“I lost my job as a merchandiser of a giant grocery store during the pandemic... Delivery services through apps were in-demand then. But as restrictions eased, it has been so hard to earn a decent living for the family. Last week, for example, I waited for and accepted bookings from 9am until 10pm. There’s no time for rest. It’s the reason why I have to use two platforms. Given the low rates, one platform would not be enough. I turn on both apps in the hope that I would get two bookings within the same area. It’s a way to maximise my trip, but it’s not easy... In this strategy, I can earn around P800 daily, but there are slow days, too, where I earn P300 (US\$5.25) only”.

“I feel like crying while telling my story. My wife is pregnant, I left my child in the province, and my father is paralysed. How will I be able to support all of them? I give my best effort to overcome my struggles, but sometimes it’s distressing...”.

Recently, labour platforms have started to offer financial loans of different amounts to their workers and platforms automatically deduct daily amortisation from their e-wallets. Platforms that offer this service explain that they use longitudinal data to decide which workers will be given access to loans, and how much. Other platforms partner with dealerships to facilitate auto loans (car or motorbikes) for their workers.

Workers have mixed reactions about such loans. While some appreciate the facilitation of financial access and consider this as an important benefit, other workers have taken

issue over “predatory” interest rates. Some workers, despite trying to avoid further indebtedness, are compelled to loan new vehicles or money to upgrade because old-type vehicles are restricted by certain platforms; others are forced to upgrade or need money for maintenance because heavy everyday use implies constant wear and tear.

Analysis

Given the compounded costs, workers can end up with a negative value after computation of earnings and costs, meaning that their spending for operating costs is higher than the earnings. This compels workers to stretch their hours and workdays, taking up those previously allocated for rest.

Yet, government and market forces continually promote platform labour as a viable entrepreneurial and employment opportunity amid the absence of labour regulations.

Workers have expressed ambiguities on how to access the insurance supposedly available to them or have complained about tedious processes for making claims. As workers reporting accidents may be deactivated while investigations ensue, they often choose to absorb the medical or vehicle repair costs themselves. Workers may also suffer from the threat of deactivation when they raise concerns or organise as collectives.

Further, workers can become chained to financial commitments, and squeezed by seemingly predatory practices of downstream industries that are meant to support platform services by facilitating access but end up consigning workers to long hours of platform work. Workers are also vulnerable to scams and can end up shouldering the costs and consequences.

Given the limited support provided by platforms and the government, our research has shown that workers crowdsource aid from other workers or actively share strategies of coping in social media groups. While this represents an articulation of worker solidarity, the responsibility of care appears to have been relegated to workers.

The technology entrepreneurship facilitated by the growth of local platform start-ups adds to the complexity because of state imperatives to support their growth. Consumer concerns in the ride-hailing and delivery sectors are protected by policies that regulate the rates and price surges imposed by platforms. Yet, mechanisms for protecting workers in this growing on-demand platform economy have lagged behind.

Legislative proposals are pending in the Congress and the Senate proposing to improve the working conditions of platform and freelance workers.¹⁸ These proposed laws will take time to be passed, because the platform economy has expanded its influence and generated employment while operating in a still ambiguous and fluid manner, which allows for labour protections to be labelled as threats to innovation.

The government must set a policy that ensures that platforms commit to promoting worker safety, security, and access to critical safety nets. Multiple stakeholders such as the media and civil society organisations can play important roles in making more visible these conditions and support worker collectives in exerting greater pressure on platforms to commit to fairer working conditions.

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

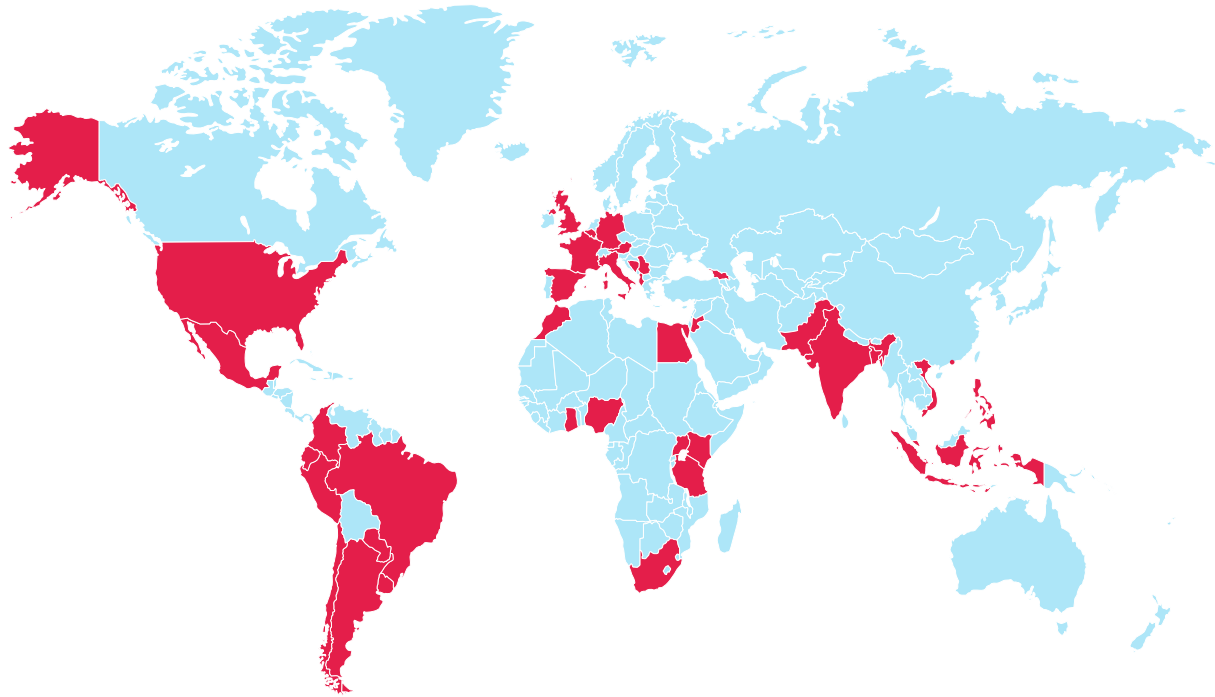


Figure 1. Fairwork currently rates platforms in 37 countries worldwide.

Africa

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

Asia

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

Europe

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

South America

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

North America

Mexico, US

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 Philippine context, we have subsequently revised and fine-tuned them 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.

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. Interviews were conducted in English and Filipino.

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 basic 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

Philippine Platform Economy: Policy and Legal Landscape

Our 2022 report offered an extensive background on the Philippine platform economy, explaining its growth, but more importantly, its embeddedness in the country's social and economic realities. We also outlined the multiple factors that drive its growth, including technological developments, high levels of informality and unemployment, optimistic discourses around platform labour, and the pandemic.

This year, the platform economy has enjoyed sustained growth. This discussion on the country's background will focus on the labour policy and regulatory environment where the platform economy is inscribed.

Policy and legal landscape

The state policy, laws, rules, and regulations that set the metes and bounds of social relations and behaviour in a society inform the public interest therein. Gig work is not and should not be an exception.

Based on the literature review and workers' interviews, it is evident that the nature of work in geographically-tethered platforms places much risk (e.g. physical safety and security, financial stability) on the part of workers. For instance, gig workers are expected to shoulder the costs of any work-related accident, injury, or illness that they experience, unless the platforms extend benefits in this area at their own choice. Unfortunately, the vulnerabilities faced by gig economy workers are amplified by the lack of effective government regulation on gig work, especially those that foreground worker protection.

In the Philippine context, the 1987 Constitution categorically declares that “[t]he State shall afford full protection to labor[.]” Further, it guarantees the following rights to all workers: (i) self-organisation; (ii) collective bargaining and negotiations; (iii) peaceful concerted activities; (iv) security of tenure; (v) humane conditions of work; (vi) living wage; and (vii) participation in policy and decision-making processes affecting labor rights.

However, the Labor Code of the Philippines, the operationalization of the constitutional mandate, currently places most, if not all, of worker protections conditional to the existence of an employment relationship.

Defining the relationship

Most gig workers are identified by platforms as partners, third-party service providers, or independent contractors. To some extent, the workers themselves identify as independent contractors to allow themselves to simultaneously do gig work on multiple platforms. However, as can be currently observed, the costs of being considered as an independent contractor far outweigh its benefits.

The main implication of limiting the status of gig workers to independent contractors is their exclusion from the protections granted by the Labor Code, such as rest periods, holiday pay, compensation for work-related injury, and unionisation and collective bargaining, among others. They are also excluded from minimum wage laws.

One of the ways by which the state intervenes is examining the factual circumstances surrounding the worker, notwithstanding what has been previously agreed upon between the worker and the management. I.e. the test is of what the practical experience of work is actually like, not what the contract declares it to be. The four-fold test of an employment relationship requires the concurrence of the following factors: (i) power of selection and engagement; (ii) payment of wages; (iii) power of dismissal; and (iv) control of the employer over the results as well as the means and methods of how the work is done.

“One of the ways by which the state intervenes is examining the factual circumstances surrounding the worker, notwithstanding what has been previously agreed upon between the worker and the management. I.e. the test is of what the practical experience of work is actually like, not what the contract declares it to be”.

Another test of the employment relationship, although applied less often, is the economic dependence or economic reality test, which looks at whether the worker is dependent on the alleged employer for his continued employment in that line of business.

Until the labour tribunals and courts definitively declare that gig workers are employees, the protections under the Labor Code remain elusive for gig workers.

Moving forward, it is a continuing discourse whether the gig workers, considering the nature of their work, can be appropriately considered as employees within the existing legal framework, or whether a new category of workers with their own set of rights and protections should be recognized by Philippine law.

Prospects of regulation

As noted in the previous year's report (2022), the Department of Labor and Employment (DOLE) issued the Labor Advisory 14: Working Conditions of Delivery Riders in Food Delivery and Courier Activities (s. 2021). As expected, there has been no meaningful impact on the welfare of gig workers. Observed from an administrative legal standpoint, the Labor Advisory merely clarifies existing labour regulations as to their potential applicability to the gig economy, but it does not actually create legal rights in favour of gig workers.

With this gap in gig worker protection, the Philippine Congress has taken efforts to start discussion of possible regulations that could be enacted into law. Four Senate Bills are currently under consideration in the Philippine Senate 19th Congress: Senate Bill (S.B.) No. 1234 or Delivery Riders Protection Act by Sen. JV Ejercito, S.B. No. 1275 or Delivery Platform Riders Protection Act of 2022 by Sen. Francis Tolentino, S.B. No. 1373 or Protektadong Online Workers, Entrepreneurs, Riders at Raktera ("POWER") Act of 2022 by Sen. Risa Hontiveros, and S.B. No. 1385 or Delivery Services Protection Act by Sen. Robinhood Padilla.

S.B. No. 1373 outlines the most progressive proposal. While it recognizes the possibility that gig workers may be declared as employees using the existing tests of employment relationship, the Bill also provides stand-alone protections and standards of work regardless of the gig workers' employment status.

For example, the proposed Bill entitles gig workers to equitable compensation, or compensation not less than the minimum wage, computed on an hourly or per-task basis, considering the nuances of gig work. It also provides gig workers with procedural due process in any decision affecting their continued engagement with the platform and with the right to organise themselves for purposes of collective bargaining.

While these offer viable—and even innovative—solutions to problems faced by gig workers, the Bills are still in their early stages, which means that major changes are expected as they are deliberated.

Needless to say, an effective policy framework and legal protections for gig workers are still far from coming into fruition in the Philippines. However, steady and consistent efforts from government, labour groups, civil society, private sector, and academe are promising sources of momentum in the next few years.

Fairwork Philippines Scores 2023

GrabCar (4W)	3/10
Grab Express/Food	2/10
Angkas (2W)	1/10
Lalamove	1/10
Borzo	0/10
Foodpanda	0/10
Joyride (2W)	0/10
Joyride Car	0/10
Maxim	0/10
TokTok	0/10

The breakdown of scores for individual platforms is available at www.fair.work/philippines

Explaining the scores

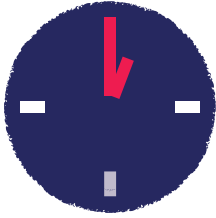


Fair Pay

None of the ten platforms could ensure that all of their workers earn the daily minimum wage of ₱610 (\$11.22 and €10) after costs. Much less the living wage of ₱1,000 (\$18.40 and €16.39) after work-related costs are factored in to meet the second point in Fairwork's definition of fair pay. Net pay is considered after all basic costs have been accounted for such as fuel, mobile load for calls, texts, and data, and vehicle-related expenses, which may be for maintenance if the unit is owned or boundary fee, akin to a rental fee, for the use of a 4W or 2W vehicle.

Other costs vary such as monthly instalment payments for the purchase of a brand new, second-hand, or repossessed vehicle; professional driver's licence and vehicle registration; and payment for personal health insurance and social security. All of these are the workers' means of production to enable them to render service within the standards of platforms and in accordance with government regulations.

More than half of the workers interviewed earn below the minimum wage after costs on an hourly basis, which is ₱76.25 (\$1.40 and €1.25). Some are close to earning the hourly minimum wage while the lowest is at ₱4 per hour (\$0.07 and €0.06) and a handful of workers with negative income. The vast range in hourly income can be attributed to the number of hours workers spend on the platform. Unpaid waiting time for a booking to be available or for orders from a restaurant to be ready or settling issues with customers through the platform's communication channels all contribute to workers consuming their resources for meagre earnings.



Fair Conditions

The nature of ride-hailing and delivery work makes workers susceptible to crime and violence, accidents and injuries, and worse, death. Platforms were awarded a point for providing their workers with free basic protection such as adequate gear, training, and emergency protocols to help mitigate such risks and ensure the health and safety of workers.

In the Philippines, the law mandates all motorcycle riders, including back riders, wear helmets.¹⁹ Most 2W workers use their own helmets. Some platforms require the purchase of two helmets (one for driver and one for passenger), along with uniforms and bags (insulated type for food delivery), for brand identity and to expand the service types a worker can offer. For some platforms a start-up package of a helmet, uniform, and bag can cost up to P2500 (\$46.00 and €41.00), which a newbie must pay the platform on top of the onboarding cost. For cash-strapped applicants, instalment payment is available or riders may earn the gear in exchange for completing a certain number of rides or deliveries. Occasionally, platforms run promotions for discounted prices or give helmets away to riders as performance incentive or as bonus for referrals. None of the platforms provide safety gear at absolutely no additional costs to the worker.

GrabCar earns a point for their free mandatory training as part of the onboarding process. The training materials are accessible via “Grab Academy”, an in-app learning feature that also hosts other programs for the workers’ learning and development. Workers are incentivized, too, for completing the training.

On safety measures, GrabCar shows the Safety Centre on the app’s main screen and map. Clicking on it allows both drivers and passengers to share their ride details, report a safety issue or press the emergency button in case of critical incidents. It will launch a call to the police and notify personal contacts and the Grab Safety Centre, which operates 24/7. There are also Trip Monitoring Alerts for unexpected stops and detected route deviation

and Post-Trip Safety Monitoring where drivers receive safety reports for their awareness and observance of safe driving.

An additional point was awarded for insurance coverage that the platforms provide for their workers, which some platforms publish on their websites. However, workers complain of the tedious process in filing claims, slow to lack of feedback from the platform, and the reimbursement system where workers have to shell out initially for their medical expenses.



Fair Contracts

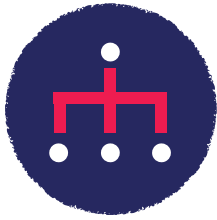
GrabCar, Grab Express, Lalamove, and Angkas were awarded the first point for this principle, implying that their contracts are transparent and well-communicated to workers. The contracts examined identify both the platform and worker and are subject to Philippine laws. Workers either signed a contract or clicked on “I agree” to the platform’s terms and conditions, which are also available online. The critical terms and conditions are explained in the local language during these platforms’ mandatory onboarding programs online or in-person to help workers comprehend better. The Filipino language translation is also accessible on the website in a Frequently Asked Questions format (FAQs) and in-app.

Aside from the terms and conditions, Fairwork also looks into policies pertaining to ethical data protection and management measures and the practice of cascading such policy to workers for their awareness.

Grab Car and Grab Express, Lalamove, and Angkas have their respective privacy policies for all its users, including workers, which are accessible to the public and compliant with the Data Privacy Act.²⁰

GrabCar and Grab Express integrate in their registration process the workers’ consent to share data with other parties, which means agreement to the Privacy Notice, Terms of Service, and Code of Conduct of the company. Some of the declarations are conveyed in Filipino to ensure that workers fully understand the content of the agreement. Lalamove’s Drivers section of the website is written in a mix of English and Filipino. It assures workers

that submitted requirements will be safe, protected by the platform's privacy policy, and treated with confidentiality. With other platforms, some workers are not aware of any data protection policies while some have a semblance of awareness, but fail to express concretely how platforms protect the data associated with them.



Fair Management

This principle investigates the modes of communication between workers and platforms and the presence of due process for workers to appeal for disciplinary actions and deactivations. Given that concerns are time-sensitive and require immediate attention, e.g., unreachable customers, booking cancellation, fake booking, the appropriate communication channel with a human representative should be readily accessible and responsive. Some workers reported that they had felt alone in dealing with concerns and would resort to consulting other riders/drivers and rider/driver groups instead to address them.

GrabCar and Grab Express scored a point for communication channels that were accessible to workers such as support chat and Safety Center within the app. On the website, workers were guided step-by-step on how to resolve a variety of concerns with instructions written in Filipino. Should the worker still need help, a form is available for further assistance. Grab delineates workers' concerns into safety and non-safety issues. Workers call the hotline in the Safety Center in case of accidents, crime-related incidents, and harassment. Response time is 30 seconds with the aim of resolving the issue immediately. On the other hand, the in-app chat and emails are for non-safety concerns with a response time of up to 30 minutes and a turnaround time of 24 hours to 7 days.

The platform provides riders with an appeals process. This mechanism enables riders to submit appeals or complaints regarding the platform's decisions or actions. The driver/delivery-partner is sent a text message for a one-on-one interview to gather additional information on the concern. If there is no response, three call attempts will be made to pursue the interview with the driver/delivery-partner. If after such attempts and driver/

delivery-partner still fails to join the interview, then the necessary sanction is enforced. Workers may appeal a sanction/disciplinary action through the Grab Driver Partner's Appeal form.

With the rest of the platforms, some workers answered that platforms are unresponsive in dealing with concerns and would resort to consulting other riders/drivers and rider/driver groups instead to address them. If platforms do respond, they reply slowly and inconsistently that render any rider support unreliable for workers. Other workers observe that it depends on the nature of concern. Support communication is fast for concerns related to customer issues while response takes days or hard to get for workers' issues like unfair deactivations, penalties, etc.



Fair Representation

None of the platforms got the basic point that seeks freedom of expression of workers' collective voice. Both platform management and workers can organise their respective groups based on geographic location or advocacy. Such interactions exist but have not yet reached a status where the workers groups are formally recognized by platform management as entities with bargaining rights. Likewise, no platforms demonstrated documented mechanisms in place with regard to collective action.

Theme in Focus

Health, Safety, and Security

Workers' stories of risk to safety and security in the platform economy.

Death

On November 1, 2022, a Philippine holiday, delivery rider Noel Escote was found dead on his motorcycle, allegedly having suffered from a heart attack.

When initial debates on whether ample death compensation was provided by the platform reached media circuits, the platform issued press statements about the assistance given to Escote's family, noting:

“From our understanding, Mr. Escote was not fulfilling orders on the day of the incident, however, we understand Lalamove is a crucial source of income for his family and the immense impact of the tragedy”.²¹

The issue of Escote's death has raised questions about platforms' responsibility beyond workplace obligations surrounding health and death, it also heightened debates about the reckoning of “active work hours” in the gig economy and the securities workers are entitled to.

Tragically, deaths on-the-job are not uncommon in the gig economy globally, with 50 deaths reported in the U.S since 2017.²² Based on Fairwork Philippines estimates, there are at least 11 gig worker deaths reported in the media throughout the Philippines since 2018, although according to workers interviewed, this is likely a conservative number as they know of other workers who have died, but the news of their deaths have not been covered in the local or national news (instead, only circulating on social media).

Knowing recent reports of gig worker deaths, our team was struck to discover this year that close to all workers we interviewed have met accidents of different forms and levels of severity. Workers narrated their daily experience of risk and also shared how “common” accidents are among their peers in this economy.

A concerning aspect is how, for workers who experienced accidents, very few were able to access any form of assistance or protection from the platforms they worked

for. Thus, workers end up shouldering the medical cost themselves, or worse, wait for their wounds or broken limbs to heal at home without professional medical treatment. This is despite the fact that platforms highlight the presence of accident insurance in their respective company websites. It is for this reason that this year's Theme in Focus is on worker health, safety, and security.

Risk

Dom* found himself catapulted away from his motorbike after a bad collision with a 6-wheeler van. He was initially unable to stand, but thankfully was aided by passersby and eventually brought to a hospital by co-members of the gig-worker association of his platform. Daunted by the timeline for submitting the requirements needed to be able to make medical insurance claims from his platform, Dom shouldered the cost of his medical bills after borrowing from other gig workers and relatives. He further narrated that many workers are afraid of declaring accidents and claiming for insurance because they fear they will automatically be deactivated while claims are being investigated. He says that workers have to wait for the deactivation to be lifted before they can get gigs again and they have no control on how long this process takes. Dom had to force himself to recover immediately to pay off his debts. With one of his legs slightly shorter after the accident, Dom continues with gig work for around 9–13 hours daily. He was never able to claim insurance from his platform.

Like Dom, many Filipino workers are lured by the promises of the platform economy for income earnings and flexibility. Many of them depend on platforms “full-time” and spend longer than 8 hours, with some up to 15 hours a day at work. A large number of workers embracing the platform economy have either been displaced from previous employment or were employed in other forms of work that were also insecure, paid low, or of poor job quality. However, workers we interviewed were in agreement that in comparison to other jobs they have taken up, gig work presents a “clear and present” everyday danger to their lives.

The high level of dependency, and sometimes desperation of Filipino workers in embracing gig work should not mean that platforms can neglect their responsibility for providing ample protection and safety nets.

Gendered harassment

Rosa*, a single mom of four based in Cavite, joined a platform as a motorcycle taxi driver in 2020. This is after she lost her job as a retail seller for a mobile company when the pandemic shut malls down. Rosa narrates that the platform “saved her” and “became her source of security” when she had no other source of income and found herself close to desperation. Aside from this, she narrates that being a single mom, she cannot count on anyone else to send her kids to school. The flexibility of gig work allows her to accompany her kids to school and then start on the gigs after her mothering duties are done. Rosa considers herself a full-time worker in this platform.

Despite acknowledging the platform’s advantages, Rosa also narrated that being a gig worker means her life is in danger, everyday. The accidents that she has encountered attest to this. The first one was “light, I encountered bruises only”. She recovered at home with no insurance claims. The second one was much worse, when she gained wounds and fractures on her left shoulder that required medication and therapy. The person responsible for the collision shouldered some of her medical expenses, including X-ray costs. She was able to get support from the platform’s insurance for reimbursing the cost of her medicines and therapy.

But the insurance is not provided by the platform for free. Rosa shared that approximately P600 (\$11.00) annually is deducted from her earnings to pay for this insurance.

Although she was able to get some help from the platform, she lamented that this is done on a reimbursement basis.

“The process to make a claim takes a long time. I expected that when you have an accident, it is automatic that they will pay the expenses... What if you don’t have any money to pay in advance? So, if a worker really has no money—which is the case for many of us—you won’t even think of going to the hospital. So it can be risky because you can have a bad fracture or haemorrhage”.

Rosa also shared instances of discrimination and harassment as a female driver. She shares

“We experience cancellations. Sometimes passengers do this when they realise their driver is a woman... One even offered if I wanted him to drive for me.”

Rosa also raised the issue of not indicating passenger weights or size on the app that can be a cause for imbalances and accidents. She explains that women bikers tend to use certain motorcycle types that are only capable of carrying passengers of certain weights or height, and they can be put in danger if the platform app is insensitive to this condition.

She shares further, “motorcycles have tiny seats, meaning when we ride, we are body-to-body’ with the passenger. Some passengers take advantage by hugging or holding our body parts and female peers feel harassed by this.” She explains further, “once, we complained to the platform and asked them to install a protective device. They gave us a belt and a gear for passengers to hold on to, but it was useless because the passengers still touch us. So in the end we had to solve this ourselves”.

She emphasises that it is important for platforms to prevent discrimination and harassment and promote mechanisms to penalise passengers who take advantage of the workers.

Financial insecurity

Faye* is no stranger to app-based delivery work, having been a rider for GrabExpress and GrabFood before moving to Lalamove in 2020 when the pandemic started. Faye is a lesbian living with a partner and a child.

The boundary system, where drivers remit an agreed amount to vehicle owners at the end of day for the rent of their units, is a common practice among Grab 4W drivers. This year, workers reported that it is also a common practice among 2W riders. For Faye, the boundary was at P300 (\$5.43) daily until the time came when the motorbike owner retrieved the unit.

With no means to continue delivery work, Faye resorted to accompanying the blind to be their guide in busking. “It’s close to begging, but after six months, I saved P2,000 (\$36.00), enough for a down payment for my own motorbike”, they narrate with pride.

Back to doing deliveries, Faye works an average of 50 hours a week and earns around P800 (\$14.50) daily, but the monthly instalment of P3,000 (\$54.00) for the motorbike eats a chunk of the income. Not to mention the operational costs like fuel, mobile load for calls, texts, and data, and vehicle maintenance. Expressing their frustration, “It’s like this day in, day out. I can’t save anything at all”. Faye looks forward to finishing the three-year vehicle amortisation, dreams of having some savings and experiencing improvements in platform work.

While Lalamove says it provides accident insurance to its contractors, Faye narrates that the process of claiming and producing paperwork can be so burdensome that riders tend to give up on filing claims. “With my limited funds, I’ll spend on the medicines first, then the required clearance papers”.

***Names changed to protect worker identity**

****Exchange rate calculated at US\$1 = P55.20**

Next Steps

Promoting Robust Occupational Health and Safety Measures in the Platform Economy: Role of Platforms and Other Key Stakeholders

In the discussion below, we account for some key issues and reforms that are needed to be able to promote worker safety and welfare in the platform economy.

Promoting a safe working environment

The safety and well-being of hail-riding and delivery workers are paramount, given the multiple risks they face on the road. These risks include accidents, road hazards, extreme weather conditions (especially in light of climate change), exposure to misbehaving people and stray animals, pollution, and extended working hours. To ensure the protection of these workers, it is imperative to establish and implement robust occupational health and safety measures. This includes providing adequate free training on defensive driving techniques, equipping workers with free safety gear, conducting regular vehicle maintenance checks, and encouraging rest periods to combat fatigue. Additionally, platforms should collaborate with local authorities to address road infrastructure issues and improve overall road safety. In prioritising the implementation of comprehensive safety protocols, work-related accidents would be significantly reduced, promoting the well-being of hail-riding and delivery workers. These cohesive measures lay the groundwork for a secure working environment, reducing the inherent risks associated with their challenging responsibilities on the road. We can foster an environment where their safety is prioritised.

Ensuring fair pay and conducting worker consultations regarding rest periods

To prevent fatigue-related accidents, it is crucial to set worker consultations on working hours and encourage workers to have sufficient rest periods. Long and exhausting shifts

can impair concentration and increase the likelihood of accidents, and often workers have to engage in this due to unfair pricing. This also connects to the broader issue of reckoning “active hours” in the platform economy and where workers are unpaid for “wait times” that can stretch for long hours in the aggregate, also factoring in the compounded costs they have to shoulder. All these compel them to extend total hours on the road.

The well-being and safety of workers can be effectively safeguarded by implementing regulations that establish clear reminders for rest breaks. We know that imposing maximum working hours is controversial in countries like the Philippines where many workers seek to maximise earnings given the context of dynamic pricing, ratings, and incentive systems. We argue here that promoting worker safety is strongly connected to fair payment systems too, i.e. workers are less likely to self exploit and over-exert if their pay is satisfactory enough for them to earn well within a standard work week. Platforms should have active consultations with their workers on establishing maximum work hours and rest and in identifying what other mechanisms for safety at work could be promoted.

Promoting responsive communication channels

Aside from physical health, the mental health of workers suffers as well, and must be attended to. For workers who are sole breadwinners, they set a target income that they must meet daily. When bookings are inadequate and waiting time between bookings is long or when too much time is spent on a single booking that the service fee becomes unprofitable, workers are in constant worry if they will earn sufficiently at the end of the day to cover the family’s needs. Riders across gender fall victim to bullying by misbehaving customers or harassment by passengers who take advantage of the physical contact. Workers feel disrespected but may not complain for fear of receiving a low rating or having their account suspended during investigation. Platforms must have welcoming and responsive channels to encourage workers to report experiences of bullying and harassment without consequence to their accounts, ratings, tiers, or incentives.

Platform-initiated insurance coverage

In light of the high-risk nature of the job performed by riders, platform companies must prioritise their workers’ safety and well-being. One effective measure to mitigate the risks involved is for platform companies to offer all workers free group life and accident insurance coverage. Providing insurance coverage serves as a safety net for riders, offering financial protection in the event of accidents, injuries, or unfortunate incidents. This would

demonstrate a commitment to the welfare of their workers, recognizing the inherent risks associated with their job.

Although some platform companies offer insurance coverage to their workers, there are frequent limitations and gaps in the level of protection provided. One significant challenge is workers' lack of comprehensive understanding regarding insurance policies and their associated terms and conditions. This knowledge gap can lead to confusion and potential obstacles when workers claim insurance. As such, platform companies should make greater efforts to ensure that any insurance coverage that is in place is more accessible to workers, and their ability to work is not limited while claims are being investigated or processed.

To address this issue, platform companies should prioritise clear and transparent communication about insurance coverage. Workers must be informed about the extent of coverage, any exclusions or limitations, and the necessary steps to initiate a claim and this can be integrated in worker training sessions. Providing accessible resources, such as online guides or informational sessions, can guide workers with the information they need to navigate the insurance process effectively. Through transparently outlining these essential aspects, workers can gain a comprehensive understanding of their entitlements and the safeguards in place. This helps dispel gossip and misunderstanding about the availability of insurance and helps workers make informed decisions and confidently navigate the insurance landscape. Importantly, transparency fosters fairness, accountability, and an environment where workers are equipped with the knowledge to navigate their roles confidently.

Furthermore, collaboration between platform companies and insurance providers is crucial. This collaboration can ensure that insurance policies are tailored to the specific risks faced by platform workers and that the coverage adequately addresses their needs. By working together, these stakeholders can also identify the unique risks and requirements of the gig economy and design comprehensive coverage tailored to these specific needs. Further, by closing the information gap and fostering a better understanding of insurance coverage, platform workers can be more confident in their rights and benefits, leading to a smoother and more effective claims process.

Protecting worker data

Since platform companies gather significant amounts of personal data from workers and customers, safeguarding the privacy and security of this data is of utmost importance.

Preserving the confidentiality of this information is essential for building and maintaining trust with users. Implementing robust data protection measures, such as encryption, secure storage, and access controls, is crucial to prevent unauthorised access and potential misuse. Moreover, companies should adhere to privacy regulations and best practices, ensuring transparency in data handling and obtaining informed consent from individuals. By prioritising the privacy and security of user data, platform companies can foster trust, protect sensitive information, and maintain the integrity of their services.

The Philippines enacted the Data Privacy Law, spelling out critical safeguards for the gathering and management of data obtained by organisations. The National Privacy Commission, which is the implementing arm of the Data Privacy Law, can issue additional regulations that specifically consider the data privacy nuances of the platform economy. Fairwork Philippines calls for these regulations to set clear guidelines for collecting, storing, and using personal information, ensuring platform companies adhere to strict data protection measures. The regulations should outline specific requirements for obtaining informed consent from workers and customers regarding their personal data. This includes informing individuals about the purpose of data collection, how the data will be used, and any third parties with whom the data may be shared. Ensuring the privacy and autonomy of workers and customers can be safeguarded through a strong emphasis on obtaining explicit consent. Monitoring and enforcement mechanisms should also be implemented to ensure compliance with data privacy regulations. Sanctions for violations should be established to deter platform companies from mishandling or misusing personal information.

Broader policy reforms: Addressing the ambiguities of employment status that impact worker safety and security

Because platform workers are labelled as “independent contractors” or “partners”, they are denied crucial protections and benefits afforded to regular employees by virtue of the Philippine Labor Code. Although they can apply for social security (from the Social Security System) and health insurance (From PhilHealth) as self-employed, they lose out on employer contributions, which means that their contributions translate to higher monthly amounts.

For many platform workers who are not even making the minimum wage after costs, committing to these monthly contributions can take a significant slice of their take home earnings.

Without social security or access to health insurance, workers are not only denied crucial safety nets in the instance of accidents or illnesses (rendering them with no sick pay during extended periods of inability to take gigs), their capacity to plan for the longer term is also undermined. Without means to access social security, they face uncertainty in retirement, and the absence of health insurance places them at risk of financial ruin due to unexpected medical expenses.

Lawmakers and stakeholders must work together to establish fair and inclusive regulations that recognize the unique circumstances of platform workers and provide them with the support they deserve.

Addressing the issue of employment status is imperative to protect the rights and welfare of platform-based workers. Within the current legal framework, recognizing these workers as regular employees would grant them the same benefits and protections as them, which would offer gig workers much-needed security and stability.

Alternatively, considering the distinctive nature of gig economy work, it may be necessary to introduce new legislation specifically tailored to address the occupational safety needs and rights of these workers, regardless of employment status. This legislation should bridge the disparity between platform workers and traditional employees by granting them equivalent rights and benefits. Such measures could encompass provisions for social security contributions, health insurance coverage, payment for time not worked, and protection against unfair treatment or termination.

In addition to legislative reforms, collaboration between government bodies, platform companies, and worker representatives is essential. This collective effort can help shape comprehensive policies fostering innovation and safeguarding platform workers' well-being. Open dialogue and stakeholder engagement will be vital in creating a regulatory environment that promotes economic security and social well-being for all platform-based workers in the Philippines.

Monitoring by the Department of Labor and Employment

A dedicated team of labour law compliance officers should conduct regular inspections and assessments to evaluate various aspects of the labour conditions of platform workers. This would include examining factors such as the availability and adequacy of personal protective equipment (PPE), adequate training, the condition of vehicles used for transportation, compensation scheme and its impact on health and safety, availability of emergency buttons and responsive support systems, and the implementation of safety protocols. By actively monitoring these, the Department of Labor and Employment (DOLE) can ensure that platform companies prioritise the safety and well-being of their riders. Regular monitoring also allows DOLE to dialogue with platform companies and worker representatives. This collaboration allows for exchanging information and ideas, enabling the development of effective policies and regulations. It fosters a cooperative environment where concerns and challenges faced by platform riders can be addressed through constructive discussions and partnerships.

Establishing a specialised team of labour law compliance officers is a proactive step toward creating a fair and safe working environment for platform riders. DOLE enforcing compliance with labour laws and regulations would send a clear message that the well-being of platform workers is a priority. This protects the rights of platform riders and contributes to improving working conditions in the gig economy.

The role of trade unions and worker power

Worker associations such as trade unions play a vital role in representing and advocating for the interests of workers across various industries. However, the right to self-organise and collectively bargain is reserved for employees under the Philippine Labor Code. With the employment status of gig workers in limbo, they cannot officially create unions for purposes of collective bargaining. Nonetheless, they can freely form collective bodies and associations for mutual aid and protection, and promote pro-worker advocacies. The challenge is how worker power, in conjunction with already established labour federations, can be harnessed.

This notwithstanding, a union of gig workers, RIDERS-SENTRO, has been formed, instigating the formation of smaller unions across the country. Although none of them are formally recognized by platforms, these organisations advocate for fair compensation, reasonable working hours, access to social security benefits, and improved safety

measures. They are also collaborating with Congressional bodies to push for legislative reforms and regulations that recognize the rights of platform workers. Through participating in public consultations, engaging in dialogue with relevant authorities, and organising protests, they seek to raise awareness about the challenges faced by platform riders and drive momentum for positive change. They also provide valuable resources to platform riders through arranging for legal advice and establishing solidarity networks. Addressing the questions surrounding platform workers' employment classification will surely strengthen the power and bargaining capacity of these worker collectives.

Multi-stakeholder governance

Multiple stakeholders such as the media, civil society organisations, government, research communities, and customers must be urged to continue to support the promotion of fair labour, and primarily, worker safety and welfare in the platform economy. To do so, a greater awareness of the condition of workers must be facilitated. Customers and the broader Filipino public may not fully realise that their delivery person or driver is a worker that should be entitled to basic entitlements to occupational safety; it is often assumed the gig workers must shoulder these obligations on their own because they are freelancers. Neither are they fully aware of the responsibilities of platforms in designing such forms of labour management. Overall, we hope to engage and influence as many actors as possible who can help promote and act towards Fairwork's vision for a fairer, safer, and sustainable world of work.

Conclusion

Addressing the safety concerns and policy gaps in the platform-based hail-riding and delivery sector in the Philippines requires a collaborative effort from the government, platform companies, and worker representatives. Without action, we will have a significant segment of our labour force that is physically depleted yet without access to any form of insurance or protection.

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Reforms in labour laws, social protections, the implementation of occupational health and safety measures, transparent insurance coverage, and robust data privacy regulations are

all essential. By working together, stakeholders can create a more equitable and secure environment for platform workers, ensuring their well-being and protecting their rights.

Moving forward

Hope: Worker Power in the Philippine Platform Economy

In the two years since Fairwork started research in the Philippines, we documented the concurrent rise in platform worker organising across the archipelago. These include unity parades, collective work stoppages, and demonstration in front of platform offices.²³

This is parallel to strategies of labour activists elsewhere where workers (whether union-led or spontaneously driven by self-organised groups of workers) gathered in front of platform offices, conducted “mass ride-outs” and “unity parades” through city centres to show force, or organise flash mob protests to gain visibility.²⁴ Most of these protests point to the lack of transparency in pay matrices, unfair deactivations, hidden costs, and absence of protections.

In the Philippines, platform worker organising is led by two major groups, the United Delivery Riders Association of the Philippines (RIDERS-SENTRO) and *Kapatiran sa Dalawang Gulong (Kagulong)*. However, there are many mutual aid worker associations that are smaller and thrive on informal gatherings in “tambayans” (gig worker hangouts) and Facebook groups.

The Philippines’ first gig workers’ union, United Delivery Riders Association of the Philippines (RIDERS) was formed in August 2022. Within its first few months they have already mobilised towards the formation of unions of gig workers in the provinces, despite these not being recognized formally by platforms as collective bodies representing workers. RIDERS is affiliated with a larger labour federation, *Sentro ng mga Nagkakaisa at Progresibong Manggagawa* (SENTRO), which represents some 80,000 workers in the private, public and informal sectors and which is also connected with the International Trade Union Confederation (ITUC), one of the biggest global labour centres.²⁵ RIDERS has been actively assisting worker activists by linking them to lawyers for legal aid. RIDERS, due to its nature of affiliation with traditional unions, tends to embrace a progressive political outlook and militant organising methods. They also use the strategy of mobilising a wider array of social actors, including women’s organisations and other activist groups to strengthen the moral weight of platform workers’ symbolic struggles by recasting labour disputes as broader issues of social and economic injustice.

However, one of the pioneers in platform labour organising in the Philippines is *Kagulong*. Considered a workers' collective with around 5,000 members, *Kagulong* has made important representations of workers in lobby meetings with the government's key labour agencies and legislative bodies even prior to RIDERS' formation. *Kagulong* started as a mutual aid association of motorcycle-riding enthusiasts, many of whom are platform workers. In interviews, the founder narrated that motorcycle rider-members generally belong to the working classes who resonated and sympathised with the demands of platform workers for fair pay and basic labour protections. From its initial Metro Manila focus, *Kagulong* has since expanded its membership to province-based workers and also started to represent the interests of bicycle platform workers.

The final organisation we wanted to feature here is the *ChrisLam Brotherhood Lady Bikers Association*,²⁶ a representative of the many emerging mutual aid associations of gig workers. This is an organisation of women and queer bikers in the ride-hailing and delivery sectors aimed at offering a sense of belonging and mutual aid. One major initiative of this association is attending to the key needs of women workers regarding discrimination and harassment. One member explained that ride hailing for women is particularly conducive to being touched or worse, sexually harassed, by passengers. When the platform did not respond to their request to install "barriers" or "holders" to prevent male passengers from taking advantage of bodily proximity, they organised the installation of alternative "side holders" that passengers can use instead of hugging the rider's waist or body part. The collective nature of their actions allowed them to secure discounts in the installation of this "safety protective equipment." This association also conducts weekend gatherings where workers vent about other issues such as cancellation and everyday discrimination. The Lady Bikers Association also maintains an active group chat that has helped members during accidents or for exchanging useful resources such as avoiding scams and harassment or navigating better and safer routes. Mutual aid associations perform an important function in mitigating some of the gendered risks faced by women and other gender minorities in this largely male-dominated sector. They crucially function to maintain a sense of security and belonging among workers.

Mutual aid associations support workers in addressing their immediate needs (i.e. of belonging, aid during accidents and deaths, sharing of knowledge and resources). Although many informal organising efforts have yet to fully translate into institutional changes or sector-wide solidarity, these efforts need to be seen as part of a continuum of workers' long-term struggles for labour justice. For some workers that are fully dependent on

platform labour and embrace their identity as independent contractors, these expressions of mutual aid will be the extent of their collective participation to mitigate immediate challenges. For other workers who recognize the deeper injustices wielded by platform-mediated organisation of work, they would perhaps be attracted to join sustained and public mobilizations that aim to spur policy changes and pressure platforms for much-needed pro-worker reforms.

Fairwork's principles have been useful in the mobilisation and organising efforts of some of these worker groups. Our sustained meetings and consultations with these worker collectives allow us to keep abreast of key worker concerns and developments in organising processes which we incorporate in our reports and engagement with policy makers; at the same time these allow us to continually update worker groups about our research findings.

Whether as unions or mutual aid associations, labour organisers recognize the importance of gaining media attention to document and amplify their demands. The broader civil society—activists, larger labour centres could also play a crucial role in recognizing and amplifying platform workers' collective demands. Their support will be critical for sustaining platform labour mobilisation or in protecting workers amid the counter-punch of platforms as they clamour and work towards major reforms in this sector.

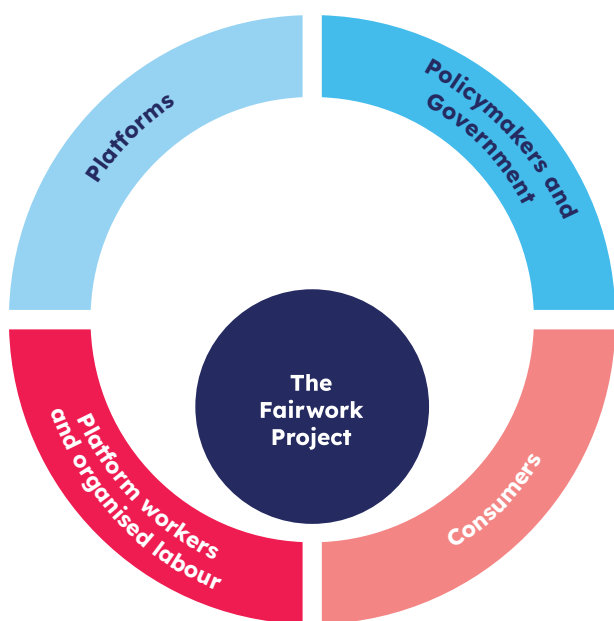
Pathways of Change

Fairwork’s theory of change relies on a humanist belief in the power of empathy and knowledge. If they have the economic means to choose, many consumers will be discerning about the platform services they use. Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores.

In this way, we leverage consumer solidarity with workers’ allies in the fight for fairer working conditions. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

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

Figure 2: Fairwork’s Pathways to 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.

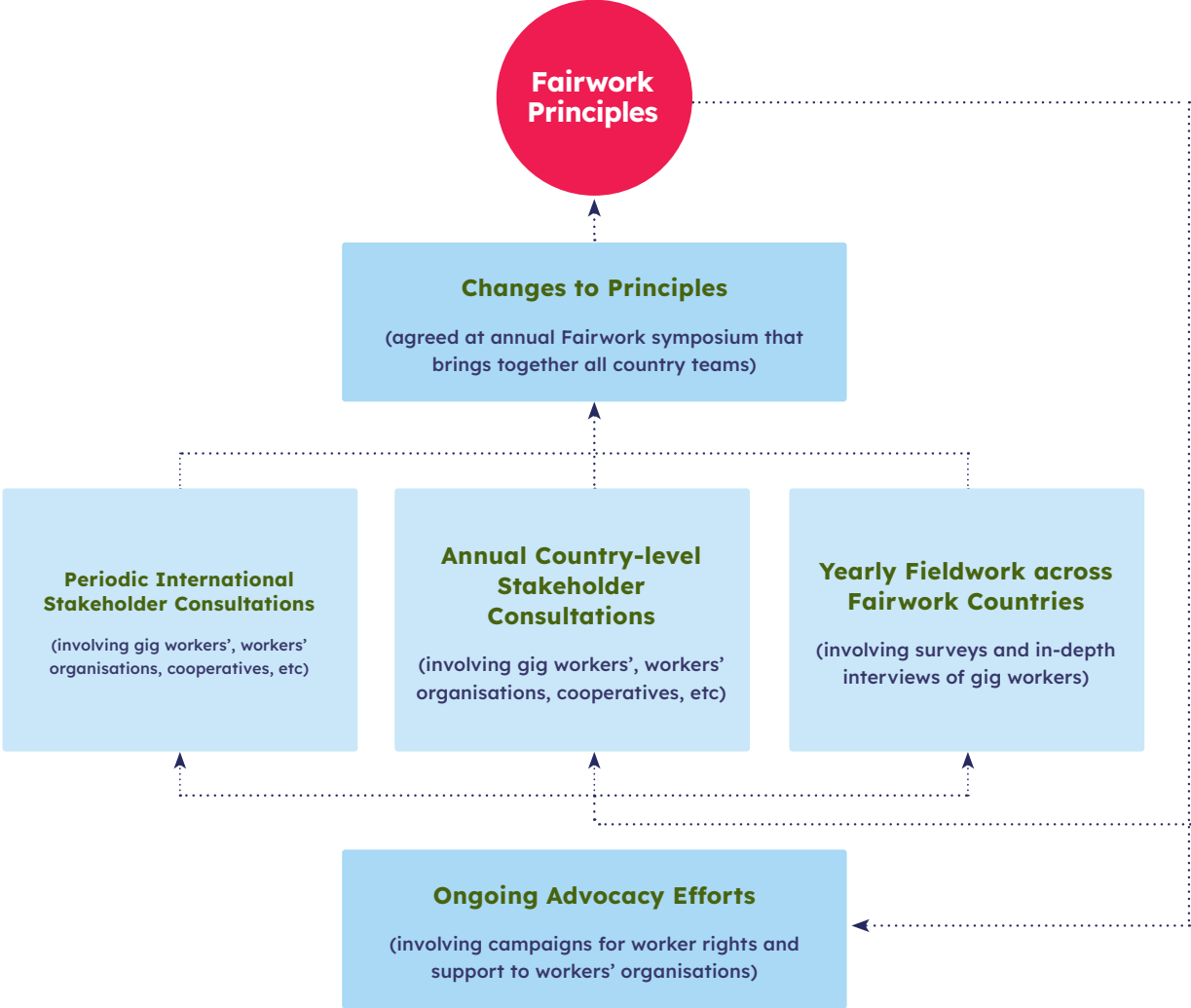


Figure 3: Fairwork Principles: Continuous Worker-guided Evolution

The Fairwork Pledge

In addition to proposals detailed above, and as part of the project’s pathways of change, Fairwork has introduced a 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 use, or not, platform labour can make a difference by supporting good labour practices, guided by our five principles of fair work.

The pledge consists of two levels. On the first level, organisations can sign 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 decide which platforms to engage with. The second level of the pledge is Fairwork Partners, which entails organisations committing to concrete and meaningful changes in their own practices. For example, Fairwork Partners can commit to using better-rated platforms where there is a choice. Organisations who sign the pledge as Partners get to display our badge on company materials.

To date, organisations in Fairwork countries including the Philippines have signed up as Supporters and Partners. We look forward to more organisations in the Philippines to sign up following these examples.

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”.²⁷ 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”.²⁸ 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.²⁹

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 September 2022 and August 2023.

Principle	First point		Second point		Total
Principle 1: Fair Pay	Ensures workers earn at least the local minimum wage after costs	1	Ensures workers earn at least a local living wage after costs	1	2
Principle 2: Fair Conditions	Mitigates task-specific risks	1	Provides a safety net	1	2
Principle 3: Fair Contracts	Provides clear and transparent terms and conditions	1	Ensures that no unfair contract terms are imposed	1	2
Principle 4: Fair Management	Provides due process for decisions affecting workers	1	Provides equity in the management process	1	2
Principle 5: Fair Representation	Assures freedom of association and the expression of collective worker voice	1	Supports democratic governance	1	2
			Maximum possible Fairwork Score		10/10

Principle 1: Fair Pay

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

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.³⁰ Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.³¹ 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.³² 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.³³

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.^{34,35}

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.³⁶ 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.³⁷ 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.³⁸ 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.³⁹
- 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.⁴⁰

- 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 mechanism⁴¹ 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.⁴²
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.⁴³

5.2 – Supports democratic governance (one additional point)

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

The platform must satisfy at least ONE of the following:

- 1.** Workers play a meaningful role in governing it.
- 2.** 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.⁴⁴

Endnotes

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- 26** They were initially part of the larger organisation, Chrislam (Christian and Muslim) Brotherhood Association. Recognizing their own needs as lady bikers, they organised their own association, while still recognizing the original name.
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- 29** De Stefano, Valerio. 2016. *“The rise of the ‘just-in-time workforce’: On-demand work, crowdwork and labour protection in the ‘gig-economy’”*. Geneva: International Labour Organization. Retrieved July 31 (https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm).
- 30** 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.
- 31** 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.

- 32** 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.
- 33** 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.
- 34** Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.
- 35** 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.
- 36** In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local 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.
- 37** 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”.

- 38** 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.
- 39** 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.
- 40** In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
- 41** 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.
- 42** For example, “[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions”.
- 43** See 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.

- 44** 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.

Credits and funding

Fairwork is a project run out of the Oxford Internet Institute, University of Oxford, and the Berlin Social Science Center, and draws on the expertise and experience of staff at Access to Knowledge for Development Center (A2K4D) at the American University in Cairo's School of Business, Audencia Business School, Center for Development Evaluation and Social Science Research (CREDI), Center for Labor Research, Chinese University of Hong Kong's Center for Social Innovation Studies, CIPG Innovation Policy Governance, CIPPEC, De La Salle University, FLACSO-Ecuador, Humboldt University of Berlin, Institute for a Fair Economy, International Institute of Information Technology Bangalore (IIITB), International University of Rabat, iSocial, KU Leuven, Lagos Business School, Luigj Gurakuqi University of Shkodër, National University of Singapore, Observatorio de Plataformas Perú, Phenix Center for Economics & Informatics Studies, Pollicy, Public Policy Research Center (CENTAR), Qhala, REPOA, Sapienza University of Rome, TEDIC, The Policy Initiative, TU Wien, Universidad Adolfo Ibáñez, Universidad Complutense de Madrid, Universidad del Rosario, University of Sao Paulo (USP), Federal University of Rio de Janeiro (UFRJ), Federal University of Rio Grande do Sul (UFRGS), Federal Technological University of Paraná (UTFPR), University of California College of Law, San Francisco, University of Cape Town, University of Manchester, and University of Toronto.

Authors

Cheryll Ruth Soriano, Virgel C. Bingham, Margreta Medina, Chana Marie Garcia, Jayvy R. Gamboa, Tobias Kuttler, and Mark Graham

Fairwork team

Jana Ababneh, Eisha Afifi, Wirawan Agahari, Pablo Aguera Reneses, Iftikhar Ahmad, 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, Adam Badger, Meghashree Balaraj, Joshua Baru, Ladin Bayurgil, Ariane Berthoin Antal, Alessio Bertolini, Sudeep Bhargava, Wasel Bin Shadat, Virgel Bingham, Ameline Bordas, Maren Borkert, Álvaro Briaes, Joe Buckley, Callum Cant, Rodrigo Carelli, Eiser Carnero Apaza, Eduardo Carrillo, Maria Catherine, Chris King Chi Chan, Henry Chavez, Ana Chkareuli, Andrea Ciarini, Antonio Corasaniti, Pamela Custodio, Adriansyah Dhani Darmawan, Olayinka David-West, Luisa De Vita,

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

External scoring reviewers

Murali Shanmugavelan

Report peer reviewers

Adam Badger, Tobias Kuttler, Nur Huda, and Jonas Valente

Editing

Adam Badger

Please cite as

Fairwork. (2023). Fairwork Philippines Ratings 2023: Worker Health, Safety, and Security. Manila, Philippines; Oxford, United Kingdom; Berlin, Germany.

Please note that this report contains sections in common with other Fairwork reports, notably the Fairwork Framework, and the Appendix.

Communications and Design

Pablo Aguera Reneses, Navneet Gidda, and One Ltd.

Typesetting

User Design, Illustration and Typesetting.

Funders

This publication is funded by the Federal Ministry for Economic Cooperation and Development (BMZ), commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Special thanks

We want to thank Tobias Kuttler and Adam Badger, our country liaisons, for their careful reading and generous support throughout the year. The project would additionally like to thank our peer reviewers Nur Huda and Jonas Valente, as well as Murali Shanmugavelan who provided helpful feedback to the earlier draft of the report. We thank the many other Fairwork country teams, Fairwork Asia network, and the members of the central team—we learned tremendously through our exchanges with them. We are also grateful to Jose Bernabe Magbanua, Johannes Leo Badillo, Jan Michael Bernadas, Rhoderick Nuncio and the DLSU-Social Development Research Center of De La Salle University as well as to the Fairwork communications team for their thoughtful support throughout the 2023 report.

We would like to acknowledge the large number of workers in the Philippines who participated in this research and to Kapatiran sa Dalawang Gulong (Kagulong) and RIDERS-SENTRO for helping us connect with workers and for the constant engagement

with us. We are grateful to various stakeholders, especially the Department of Labor and Employment Institute for Labor Studies, for engaging with our research in the formulation of pro-worker policy reforms in the platform economy.

Conflict of interest statement

None of the researchers has any connection with any of the platforms, the work undertaken received no funding or support in kind from any platform or any other company, and we declare that there is no conflict of interest.