

Fairwork

THE MOBILITIES OF

GIG WORK IN COLOMBIA

Fairwork Colombia Ratings 2023



CONTENTS

03 Executive Summary

04 Key Findings

06 Editorial: The Mobilities of Gig Work in Colombia

07 The Fairwork Project: Towards Decent Labour Standards in the Platform Economy

09 The Fairwork Framework

13 The Legal Context: The Promise of Change, Revisited.

15 Fairwork Colombia Scores 2023

18 Platform in Focus

22 Workers' Stories

24 Theme in Focus: The Mobilities of Gig Work in Colombia

27 Platform Changes

28 Pathways to Change

30 The Fairwork Pledge

31 Appendix: Fairwork Scoring System

36 Credits and Funding

38 Endnotes

Executive Summary

This Third Fairwork Colombia report presents a comprehensive analysis of working conditions in digital labour platforms in a contested political context. First, the Colombian government presented a comprehensive reform on the political, health and labour regulation in 2023. Labour debates were at the centre of the agenda, following two consecutive attempts by the Ministry of Labour (in March and August 2023) to present a Labour Reform before congress.

Most of the debates around digital platforms in Colombia in 2022 were focused on workers' rights, the economics of labour markets and their regulation. This has not been different in 2023, as a result of the attention focused on the Labour Reform debate. This concern is central for the lives of thousands of workers¹ and it should be at the centre of the discussion of the platform economy.

THE UNFAIR DISTRIBUTION OF RESOURCES AND RISKS RELATED TO MOBILITY INFRASTRUCTURES, SUCH AS TRANSPORTATION SYSTEMS, ROADS AND VEHICLES, AFFECTS WORKERS' LIVING CONDITIONS.

However, in practice, there are issues related to the urban contexts in which platform work occurs that are often neglected such as the mobile nature of platform

work, and the impact of technology, infrastructures and mobility practices in the platform workers' experience. The unfair distribution of resources and risks related to mobility infrastructures, such as transportation systems, roads and vehicles, affects workers' living conditions. Both governments and companies should therefore contribute to fairer and safer mobility as part of efforts to improve general working conditions. For the 2023 rankings we present in this report, 116 in-depth interviews were conducted to platform workers working for 12 platforms in Colombia, in four different economic sectors: 1) Domestic work (Hogarú, AseoYa, Aux); 2) Delivery (Rappi, DidiFood, Mensajeros Urbanos, Picap); 3) Beauty care (TuAly); and 4) Ride-hailing (Uber, Cabify, Indrive and DiDi).

Key Findings



FAIR PAY

Four platforms out of the 12 assessed—AseoYa, Hogarú, Aux and Cabify—were able to provide evidence that workers’ gross pay is at or above the minimum wage, which in 2023 was 4833 COP/hour.

When assessing minimum pay, the scores also took into account work-related costs, which are generally paid by workers out of pocket. The scores also factored in waiting and log-in times. Adding in these additional costs (i.e. unpaid waiting time, travel costs, vehicles, petrol, mobile phone data and insurance) meant that the first point in this principle could not unequivocally be awarded to the other eight platforms. When extending this net calculation to consider living wage (currently assessed as 14,240.65 COP/hour for 2022), only Cabify could evidence that it pays its workers the equivalent of the living wage after costs.



FAIR CONDITIONS

Four platforms—AseoYa, Hogarú, Aux, Cabify—were able to evidence that they take action to protect workers from risks that arise on their jobs. Specifically, the study found evidence that these platforms ensure that safety equipment is provided, emergency response systems are in place, and private insurance is free of charge.

All three of the domestic care platforms we assessed (Hogarú, AseoYa, AUX) could show that they provide social security, sick leave and maternity leave according to Colombian law². The other nine platforms identify their workers as independent contractors or collaborators, and therefore assume that it is not the responsibility of the company to provide a social safety net.



FAIR CONTRACTS

Four platforms (Hogarú, AseoYa, Aux and Cabify) provide clear and accessible terms and conditions. An important criterion for awarding points for fair contracts is that the platforms recognise Colombian law as the applicable law for addressing worker-related issues.

As a result, some platforms applying the law of other countries were not able to gain this point. Additionally, platforms must take adequate, responsible and ethical data protection and management measures, laid out in a documented policy. Two platforms, AseoYa and Hogarú, are committed to providing permanent contracts to its workers and no unfair contract terms are imposed upon workers.



FAIR MANAGEMENT

Four platforms—AseoYa, Hogarú, Aux and Cabify—could evidence an effective system of due process for decisions affecting workers, which includes a clear and documented process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions, providing workers greater recourse.

Three platforms (Hogarú, Aux and Cabify) have developed in dialogue with Fairwork a formalised inclusion and anti-discrimination policy.



FAIR REPRESENTATION

Collective organisation and representation is a fundamental right for workers and employees in most countries, but self-employed workers lack this right in Colombia.

Only the three domestic work platforms—AseoYa, Hogarú and Aux—scored a point for principle 5.1. This is mainly due to the platforms' efforts to recognise workers' collective representation, regulated through established organisations like COPASST (Comité Paritario de Seguridad y Salud en el Trabajo), as well as their right to choose their own representatives.

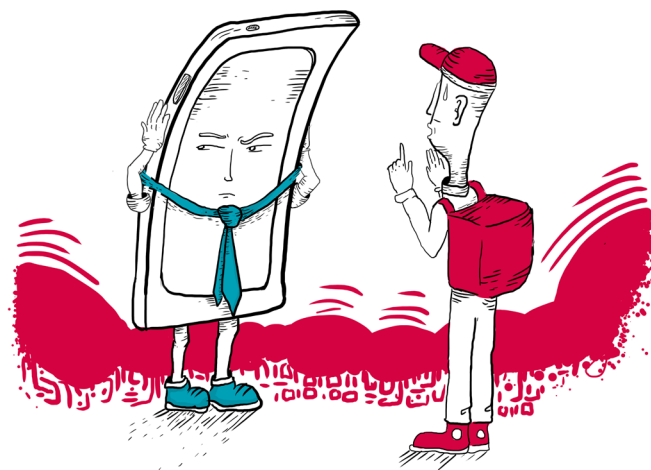
The Mobilities of Gig Work in Colombia

This report was written during the second year of the first left wing presidency in Colombian history. Four structural Social Reforms were presented before Congress by the Government, one of which included a Labour Reform.

The discussions have brought controversies between sectors who support the government's reform agenda—quoting it as a unique opportunity to close gaps and historical debts to historically marginalised groups in the country—and those sectors against these changes to the economy and political status quo. In particular, the Labour Reform introduces new mechanisms for the protection of workers' rights and unions. The bill also introduces a new framework for delivery platforms workers in which digital platforms must recognise full workers' rights to their riders. Although this is being currently discussed in congress, its approval in full is uncertain.

The present report focuses on the mobilities³ of platform workers in Colombia as an explicit attempt to widen the debates around digital platforms in the country. While

the Fairwork Colombia team acknowledges that fair workers' rights should rightfully be at the centre of any discussion around the platform economy, there are a number of pressing issues which in practice affect workers in their everyday life. For example, the urban contexts where platform work occurs are often neglected by labour scholars and policymakers, as well as the mobile nature of platform work and the impact of technology, infrastructures and mobility practices in platform workers' lived experience. The unfair distribution of resources and risks related to mobility infrastructures affects workers' living conditions. In the case of platform domestic workers for instance, poor transportation infrastructure means more time spent travelling between workplaces and their homes. Both governments and platform companies should contribute to fairer and safer mobility as part of their efforts to improve general working conditions.



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 39 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

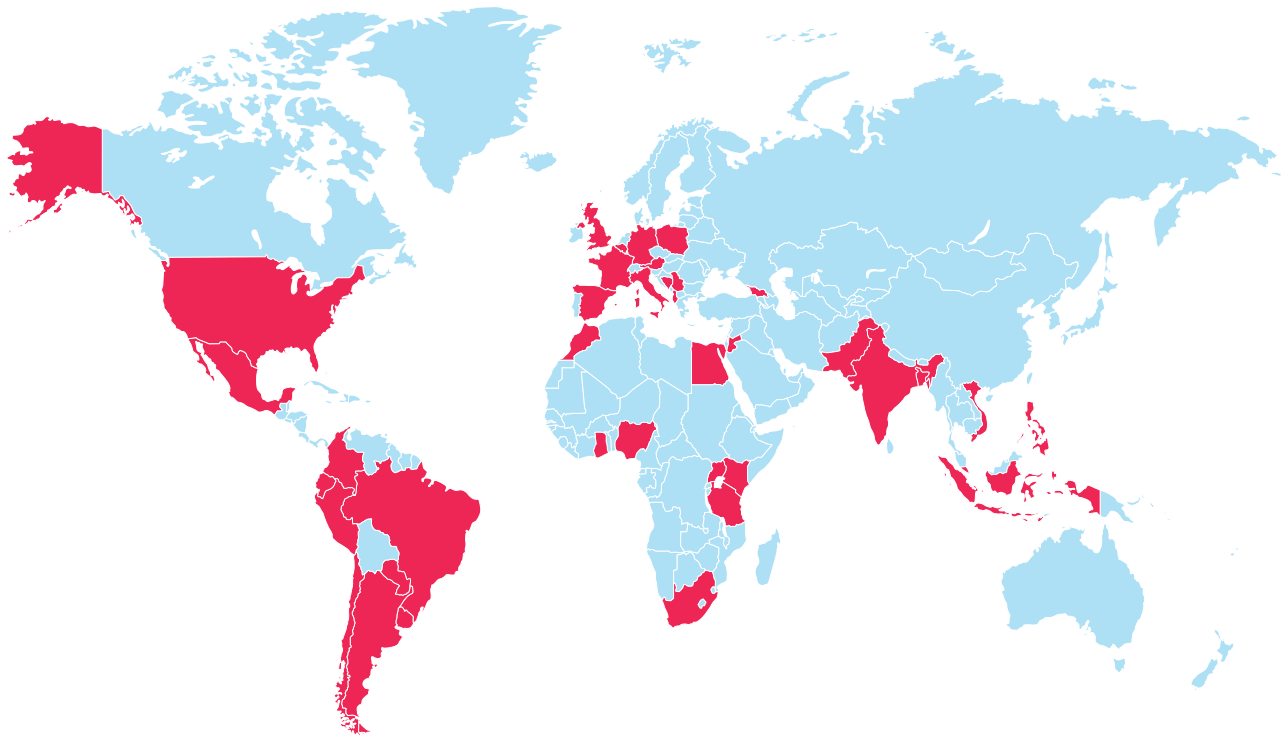


Figure 1. Fairwork currently rates platforms in 39 countries worldwide.

AFRICA

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

ASIA

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

EUROPE

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

SOUTH AMERICA

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

NORTH AMERICA

Mexico, USA

The Fairwork Framework

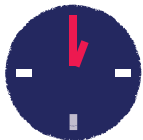
The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Colombian context, we searched for participants through social networks that are popular among workers in Colombia. Social networks help workers organise into groups and find support for their activities, and act as discussion forums around particular experiences. We also consulted with labour lawyers concerning platform contracts and T&C, to confirm that they conform to current Colombian labour regulations.

STEP 1 The Five Principles



Fair Pay

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



Fair Conditions

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



Fair Contracts

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



Fair Management

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



Fair Representation

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

STEP 2

Methodology Overview

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

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

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

Desk research

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

The desk research is also used to identify points of contact or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to

provide them with information about the process. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

Platform interviews

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

Worker interviews

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

Workers are approached using a range of different channels. For our 2023 ratings, this included Facebook advertisements in workers’ groups and snowballing from prior interviews. In all these strategies informed consent was established, with interviews conducted both in person and online.

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the platform for more than two months. All 116 interviews were conducted in Spanish from three different cities in Colombia: Bogotá, Medellín and Cali.

Putting it all together

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

How we score

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

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

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



BACKGROUND

Digital Labour Platforms in Colombia

The platform economy in Colombia has bloomed in a context of informality, migration and a contested diversification that only focuses on low-skilled jobs.

As a middle-income country, Colombia depends on exports, highly concentrated in non-renewable commodities such as oil, while it also has been historically vulnerable to external shocks. Colombia has one of the highest levels of income inequality (GINI Index 0.523) and labour market informality (over 60% of total employment) in Latin America.⁴ As a considerable share of the population works in the informal sector, many lack basic social protection and pension rights. Although unemployment remains high (9,3%), according to the National Administrative Department of Statistics (DANE from here on), the unemployment rate is going down (in September 2022 was 10,7%).

ACCORDING TO A 2021 STUDY, THERE ARE APPROXIMATELY 200,000 PEOPLE WORKING IN FOOD DELIVERY AND RIDE-HAILING PLATFORMS IN COLOMBIA.

Another key factor is Venezuelan migration. Over the last five years, Colombia has received approximately 2.5 million Venezuelan migrants.⁵ Both Colombians and Venezuelans have found in the platform economy a way for making a

living in this context. However, after the boom in digital labour platforms during the pandemic, the sector has experienced a decrease in demand and a tougher financial environment, with investors less willing to fund platform expansion.

Although it is difficult to calculate the exact number of platform workers in Colombia, according to a 2021 study by the Center for Economic and Social Research, Fedesarrollo, there are approximately 200,000 people working in food delivery and ride-hailing platforms in Colombia. In fact, this study states that platform work represents 0.2% of Colombia's Gross Domestic Product (GDP),⁶ although the estimate is very contested. This year Rappi, in the context of discussing a new labour regulation, stated that they had around 130,000 couriers.

In Colombia, the platform economy has shaped different businesses, platforms, and ventures: from delivery platforms such as Rappi, or ride-hailing (Uber, Didi, Cabify, Indrive) to domestic work (Hogarú, Aux, AseoYa), and beauty services (TuAly). However, in practice, the most dynamic and visible sectors are delivery and ride-hailing. Food delivery in particular has become a very dynamic market, attracting important international funding. Colombia is home to the headquarters of Rappi, one of the biggest unicorns in Latin America. However, the platform economy is full of small ventures, which are highly dependent on venture capital and state funding.

2023 was expected to be the year of the great reforms in Colombia. Gustavo Petro's⁷ administration presented before Congress three important reforms, on healthcare, labour and education. The reforms aim to reverse 40 years of neoliberal policies carried out by previous governments.

THE COLOMBIAN LEGAL CONTEXT

The Promise of Change, Revisited

2023 was expected to be the year of great reforms in Colombia. Gustavo Petro's⁷ administration presented before Congress three important reforms, on healthcare, labour and education. The reforms aim to reverse 40 years of neoliberal policies carried out by previous governments.

Even though the government has lost some political support in Congress, a number of bills have been presented to Congress for debate, which promise to regulate the platform economy both in terms of workers' rights and taxation of digital labour platforms. This has marked a deep change in the relationship between the Colombian government and digital labour platforms, and in the ways in which the government regards the digital economy in Colombia.

From the very start of this administration in August 2022, Minister of Labour Gloria Ramírez stressed the need to regulate working conditions in digital labour platforms. One of her first actions was to include the discussion in the National Development Plan, presented and approved by Congress as the Law 2294 of 2023. The National Plan underlines the implementation of a "Public Policy for Dignified and Decent Work", whose main purpose is to promote social protection and formalisation agreements through contracts that guarantee an employment relationship, labour stability and union freedom (Congress of Colombia, 2023). This policy has five pillars: 1) Generation and employment and income protection; (2) Social protection and extended social security with adequate and comprehensive coverage; (3) Guarantee of the fundamental rights of workers from the promotion and effectiveness of the right to freedom of association; (4) Social dialogue, promoting tripartism as a public policy instrument; and (5) National and territorial coordination with differential attention to citizens and citizens in the territories and productive sectors. Platform workers were also included in this framework.

On 16 March, 2023, in a high-profile event in the presence of President Petro and delegates of the unions, the government presented a first bill of Labour Reform before Congress. The bill (PL 166 of 2023C) introduced a chapter on digital delivery platforms which sought to address issues such as imposing specific obligations on platform delivery workers. The bill therefore included rules for informing workers about automated supervision systems, having a contact for worker concerns, implementing non-discrimination policies, and registering workers with the Ministry of Labour.

FROM THE VERY START OF THIS ADMINISTRATION IN AUGUST 2022, MINISTER OF LABOUR GLORIA RAMÍREZ STRESSED THE NEED TO REGULATE WORKING CONDITIONS IN DIGITAL LABOUR PLATFORMS.

The proposal sparked controversy among platform workers themselves and the Association of Platform companies (Alianza Inn) with debates focusing on whether such platforms should follow traditional employment rules or if alternative legal relationships can be established.

Despite the government's efforts, the bill was withdrawn before the end of the legislature.

On August 24, 2023, a new version of the bill, PL 166 2023C, was presented again to the Congress. It keeps its commitment to decent work, and seeks to strengthen strategies for employment stability and formalisation, with social justice values. The new version of the bill contains 92 articles. It aims to align national legislation with the standards of the International Labour Organisation (ILO), obligations from international human rights treaties signed by Colombia, and the rulings of the Colombian Courts regarding labour rights protection.

The reform emphasises the reintroduction of permanent employment contracts as the general rule for work. The main objective is to formalise more workers and reduce the degree of informality in the Colombian economy. It also considers new types of contracts in domestic work, agricultural work, apprenticeships, as well as platform workers, with a specific focus on delivery workers. Furthermore, the text introduces changes regarding daytime work. The daytime work period will span from 6:00 a.m. to 7:00 p.m., and the night-time period from 7:00 p.m. until 6:00 a.m.

(the current regulation does not distinguish between daytime and night-time periods). The maximum daily work duration is eight hours, and the weekly maximum would be 42 hours. The weekly schedule can be split over five or six days, ensuring a day of rest without affecting the salary.

This regulation project is built upon a differential approach. The bill includes measures against gender-based discrimination. It emphasises equal pay for equal work, specific prohibitions against assigning certain tasks to pregnant women, and limitations on contract terminations for workers who are victims of gender-based violence. Employers will have new obligations towards female victims of gender-based violence, including support, relocation duties, and other responsibilities. Concerning domestic and caregiving work, the bill emphasises the importance of contractual legislation to close gaps and ensure labour rights in historically marginalised and precarious sectors. The bill will be discussed in Congress until December 2023, when the legislature ends.



Fairwork Colombia Scores 2023

Minimum standards of fair work

| | | |
|--------------------|-------|---------------------|
| Hogarú | 8 /10 | ● ● ● ● ● ● ● ● ○ ○ |
| AseoYa | 7 /10 | ● ● ● ● ● ● ● ○ ○ ○ |
| Aux | 6 /10 | ● ● ● ● ● ● ○ ○ ○ ○ |
| Cabify | 6 /10 | ● ● ● ● ● ● ○ ○ ○ ○ |
| Didi | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| Didi Food | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| InDrive | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| Mensajeros Urbanos | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| Picap | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| Rappi | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| TuAly | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |
| Uber | - | ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ |

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT WWW.FAIR.WORK/COLOMBIA

Explaining the scores



Fair Pay

When assessing minimum pay (4833 COP/hour), the scores took into account not only the amount paid by the platform to the worker for hours worked, but also the cost of providing task-specific equipment and paying work-related costs out of pocket. The scores also factored in waiting and log-in times between tasks.

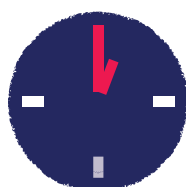
Four of the platforms (AseoYa, Hogarú, Aux and Cabify) could evidence that workers' gross pay is at or above the minimum wage, which in 2023 was 4833 COP/hour.

Adding in additional costs, such as waiting time, travel costs, vehicles, petrol, mobile phone data and

insurance, meant that the point for Principle 1.1 could not unequivocally be awarded to the other platforms.

When extending this net calculation to consider the living wage (currently estimated at \$14,240.65/hour for 2023), only one of the platforms (Cabify) could evidence that it pays its workers the equivalent of the living wage after costs.

We acknowledge the efforts made by domestic work platforms (Hogarú, Cabify and Aux) to improve workers' incomes in terms of public transport commuting bonuses and compensation for leave days.



Fair Conditions

Out of the twelve platforms we assessed, four (AseoYa, Hogarú, Aux, Cabify) were able to evidence that they take action to protect workers from risks that arise on the job.

Specifically, these platforms (AseoYa, Hogarú, Aux, Cabify) ensure that safety equipment is provided, emergency response systems are in place, and private insurance is free of charge. All three domestic services platforms we

assessed could show that they provide social security, sick, and maternity leave according to Colombian law.

The remaining nine platforms identify their workers as independent contractors or collaborators, and therefore assume that it is not the responsibility of the company to provide any social safety net. This is the reason why the point for Principle 2.1 could not be granted for these platforms.

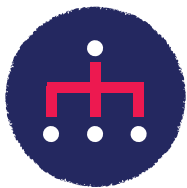


Fair Contracts

Four platforms (AseoYa, Hogarú, Aux, Cabify) have clear and accessible terms and conditions. An important criterion for awarding points for fair contracts is that the platforms

recognise Colombian law as the applicable law for addressing worker-related issues.

As a result, four platforms applying the law of other countries were not able to gain this point, namely, Indrive, Didi, DidiFood, Uber. Additionally, platforms must take adequate, responsible and ethical data protection and management measures, that are laid out in a documented policy.



Fair Management

Four platforms, (AseoYa, Hogarú, Aux and Cabify), could evidence an effective system of due process for decisions affecting workers, entailing a clear and documented process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions, providing workers greater recourse to appeal. These four platforms have easily accessible channels for workers to communicate with a human representative and to effectively solve problems, and the channels are documented in the contract and available on the platform interface. These platforms respond to workers within a reasonable timeframe, and there is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface. In the case of deactivations, the appeals process is available to workers who no longer have access to the platform, and the platforms have shown that workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

Two platforms, AseoYa and Hogarú, are committed to providing permanent contracts to their workers in 2023, and no unfair contract terms are imposed upon them.

Three platforms (Hogarú, Aux, Cabify) have developed an inclusion and antidiscrimination policy following Fairwork's guidelines.⁹ These platforms have an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of platform workers on the grounds of race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status. Also, they have measures in place to promote diversity, equality and inclusion on the platform, promoting 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, they seek to identify and remove barriers to access by persons from that group. Work and remuneration scales are 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.



Fair Representation

Collective organisation and representation is a fundamental right for workers and employees in most countries, but self-employed workers lack this right in Colombia. Only the three domestic work platforms (AseoYa, Hogarú and Aux) gained a point for Principle 5.1. This is mainly due to the platforms'

efforts to recognise workers' collective representation, as well as their right to choose their own representatives. None of the platforms are collectively owned; nor do they support democratic governance.

PLATFORM IN FOCUS

TuAly

TuAly started out as a nail care platform called La Manicurista in Cali in 2017, and then changing its name to TuALY in 2020. It later expanded both the scope of services (to beauty care) and its geographical location to cities like Bogotá, Medellín, and surroundings. In May 2021, TuAly had 500 beauticians.

The app initially began as a Master's dissertation project for an MBA programme and according to the CEO "the original idea was to produce an application that would provide nail care services at home and at any time. Over time we realised that this was also a need experienced by beauty professionals. Many of them were not satisfied working in traditional salons because of the long working hours, which do not allow them to spend quality time with their children, as most of them are mothers. In addition, the commission for their work is usually very low." The platform not only connects beauty workers with clients but also connects workers with beauty care salons (hair care, barber shops, and spas).

In this year's ranking, the platform scored 0 out of 10 points. There was insufficient evidence to demonstrate that TuAly provides its workers fair working conditions. Nevertheless, we think it is important to expand the understanding of beauty care platforms as a growing sector in which thousand of women are finding a way of making a living. On the one hand, such platforms have been expanding their services significantly, and on the other hand, this particular sector is a prominent source of employment for women in Colombia.

Fair Pay

This principle ensures that workers earn at least the local minimum wage after costs. In the case of TuAly, although some workers in our interviews mentioned that they earn more than the minimum wage, we found no evidence to conclude that all workers are covered by the minimum

wage. According to interviews, workers do not earn enough to reach a living wage.

Fair Conditions

This principle is awarded to platforms that mitigate task-specific risks and ensure safe working conditions, providing a social safety net in the case of workers being forced to stop working for the platform due to illness. There is no evidence that TuAly provides measures to mitigate risks such as the effects of chemical exposure or harassment from customers. According to the interviews we undertook with workers, no basic social security is provided.

Fair Contracts

The terms and conditions are limited to data policy, and there is no a clear statement concerning the law of the place in which the worker works. They are not presented in full, in clear and comprehensible language that all workers could be expected to understand. The platform presents itself as a subscription business in which beauty workers can find customers, analytics and professional information. The platform charges \$50 thousand COP per month to the workers for the right to access the platform.






Fair management

The TuAly workers we interviewed reported that there is an easily accessible channel for them to communicate with a human representative of the platform and to effectively

solve problems. However, this channel is not documented in the terms and conditions. There is no process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. Also, there is no evidence of anti-discrimination measures towards customers and workers. Many cases of sexual harassment were reported in the worker interviews. One worker reported a case of attempted abuse by a client; in this case, the platform provided support by calling the police to get her out of the customer's apartment without any mistreatment.

Fair representation

This principle aims at democratic governance of the platform where a body of workers can participate in decisions about their working conditions on the platform. The TuAly workers we spoke to reported that there is no mechanism of collective representation, and we found no evidence of channels of dialogue between the platform and the workers as a collective body to improve working conditions.

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



Picap

According to the Latin America Business Stories web portal, the Colombian ride-hailing platform Picap was born in 2016 as an “Uber for motorcycles”. In December 2019, the platform registered 15,000 monthly active drivers and operations in Colombia, Argentina, Mexico, Peru and Brazil. However, revenues plummeted during the years of the COVID-19 pandemic, and since 2020 it has lost half its employees.

As a result, Picap’s owner called for liquidation and in 2021 the Superintendency of Transportation ordered the cancellation of its commercial registry. Despite Picap operations are considered illegal by the authorities, the platform continues operating. The platform has since developed a second business line: Pibox, a courier division with operations in Mexico, Brazil, Paraguay, Guatemala and Colombia. Pibox works on the same app as Picap, but focuses on logistics. Picap has been included in the ongoing debate in Colombia on whether ride-hailing platforms should be legal to operate in the country or not. Demonstrations held by taxi drivers in February 2023 demanding better conditions included the issue of platform usage, with Picap being one of the most quoted by taxi drivers as damaging for the sector.

In terms of fair working conditions, we found insufficient evidence for Picap to score any points.

PICAP HAS BEEN INCLUDED IN THE ONGOING DEBATE IN COLOMBIA ON WHETHER RIDE-HAILING PLATFORMS SHOULD BE LEGAL TO OPERATE IN THE COUNTRY OR NOT.

Fair Pay

Workers reported in their interviews that they earn more than the minimum wage. On average the net hourly wage for Picap was 7480 COP, which is 54% above the hourly minimum wage in 2023, 4830 COP. However, to earn this point platforms must demonstrate they ensure every worker earns the minimum wage after costs. On the other hand, according to the workers we interviewed, the amount of work and pay allocated depends greatly on the season and time of day.

Fair Conditions

This principle is awarded to platforms that mitigate task-specific risks and ensure safe working conditions, including providing a social safety net in the case of workers being forced to stop working for the platform as a result of illness. Some workers reported to us that the platform provides support in the case of problems with the transit authority. But in general, they reported a lack of substantial support from Picap in the case of accidents. Workers reported that they don’t receive adequate equipment and training related to task-specific risks. The Picap drivers we spoke to also noted that they do not have any protection or compensation for loss of income due to inability to work.

Fair Contracts

Picap’s terms and conditions are not clear regarding definitions such as “user”, which it uses interchangeably when referring to workers and customers. Picap’s terms and conditions are also problematic in multiple respects. In several distinct clauses, they limit the liability of the company towards its workers while, at the same time, imposing onerous duties and obligations on the workers.





















Fair management

According to the workers we interviewed, Picap does not have an easily accessible channel for workers to communicate with a human representative of the platform in order to effectively solve problems. Neither is there a clear process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. Workers also complained about the lack of algorithmic transparency. Picap uses algorithms to determine access

to work, as well as remuneration and the type of work and pay scales available to workers. Workers complained to us that the service rating criteria are not clear, saying that sometimes the rates change without a clear explanation, in order to push the riders to accept orders they would otherwise be unwilling to.

Fair representation

Picap workers reported to us that there is no mechanism of collective representation. The communication channels between workers and managers are limited to WhatsApp for solving operational inquiries, and we found no evidence of Picap creating a collective dialogue with its workers. In the interviews, the workers noted that they are lone workers, many of whom have never met another Picap worker. The workers we spoke to showed no interest in joining a union or in any form of collective organisation.

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

WORKERS' STORIES

New platforms, same problems

Diana* is 24 years old, and she works for the platform TuAly. She is a technical beautician struggling to find stability and good working conditions in the beauty sector.

Before working for TuAly, Diana took a position in a salon near her home. There she worked 12 hours a day and was underpaid, the salon took 60% of her fees, which alongside some unfair conditions made it difficult for her to keep working at the salon. She told us that “the conditions were not decent, they could fire you whenever they wanted to. It was very difficult to work like that.” Diana knew about TuAly thanks to her mother, as she also works for TuAly. The main appeal for her was the working hours and the earnings rate. Besides that, she needed a job that would allow her to finish her professional career. To be accepted in TuAly she faced a lot of filters, including a home visit, a skills test, a review of her personal data, and an interview with the management.

Diana works seven hours a day and tries as much as possible to work within walking distance, given that TuAly doesn't cover any task-related costs, such as transportation. Diana delivers four to five services in a day, and feels that she's able to manage her working hours that way. In terms of fair payment even though she has an earning rate of 65%, meaning TuAly imposes a 35% tariff for each service, there are costs she has had to bear. For example, she had to make an initial investment to buy all the supplies. She also pays for transport, food while working, and PPE. “TuAly just provides you with the app and the customers,” Diana says. To stay active on the app, beauty professionals (as TuAly calls its workers) must complete 30 services a month. Diana says it is achievable, but it depends on the season. There are times when she struggles to land services with a regular client. Diana also told us that the app was recently updated and this has decreased the number of services the beauty

professionals receive, because clients find the new interface difficult to use.

Workers at TuAly might face different risks during services. One mentioned by Diana has to do with workers having to go to the customer's homes. In this regard, Diana thinks that there is not enough information about the clients in potentially dangerous situations: “we only know if they are women or men by the name we see on the app, but we don't know anything else about them.” Diana has experienced harassment during work, and says that some clients confuse beauty services with sexual services: “unfortunately because we are beauticians, or because we are women, some customers think we are looking for something else... I think most of us have a story like that to tell.” Diana told us that TuAly staff are aware of the workers' locations, since they are followed by GPS. However, Diana knows TuAly takes no responsibility of workers as they are considered to be independent workers.

Although Diana says she enjoys working for the platform, she acknowledges that it is physically demanding. She has had problems with her sight, and her back hurts after carrying the weight of her backpack for seven hours. She would like TuAly to help beauty professionals. The platform should cover workers' insurance, as well as take responsibility for the fate of its workers. Diana recalls that during the pandemic, TuAly continued to operate for a while and managers told beauty professionals that if they were stopped in the street by a police officer they should not say the name of the app, that they were on their own: “we are independent workers at the convenience of the platform.”

Diego* is a 24-year-old professional psychologist and ride-hailing driver. He connected to platforms while he was a student but it then became a full-time job.

His income as a psychologist was not sufficient to cover his expenses. For the past three years, Diego has been driving with ride-hailing platforms, after a stint with delivery platforms like Rappi. In total, he has spent five years working for a number of platforms.

In working with platforms such as InDrive and Didi, Diego understands that being a successful driver requires employing different strategies to maximise benefits and minimise costs. He meticulously calculates mileage and compares it with the time taken to avoid placing undue strain on his car and incurring losses. Diego aims to take services that pay more than 1,000 COP per kilometre, surpassing the average offered by most platforms.

Safety is always of paramount importance to Diego. He opts to work in the central and northern areas of Bogotá, steering clear of the riskier southern zones. Financially, Diego manages his earnings cleverly, using both Didi and InDrive for their distinct advantages. While Didi allows him to save in his bank account for paying loans and his credit card, InDrive provides the cash he requires for daily expenses. Diego is motivated to achieve his objectives and even sets a target of completing 25 services per day with Didi in order to earn bonuses.

Despite his focus on individual success, Diego is also profoundly committed to supporting his fellow drivers. He set up a Facebook group as an informal support network, where drivers unite to discuss safety, finances, and other issues affecting their lives. Through this group, he has cultivated partnerships with GPS providers, fuel stations, workshops, and pet shops to benefit drivers beyond the platforms. Diego takes security seriously and ensures the group remains a safe space by vetting members to exclude undesirables.

Although Diego's initiative has had a considerable impact, he recognises that there is more to be done to enhance working conditions. He has attempted to join formal unions and collectives, hoping to advocate for better labour conditions, but has encountered hurdles, like inner circles. Despite setbacks, Diego remains resolute in representing his colleagues, believing that the platforms themselves have a role in supporting drivers both economically and legally.

Diego's journey as a platform worker exemplifies the challenges and victories that many in the emerging gig economy encounter. His dedication to improvement, both personally and for his fellow drivers, illustrates resilience and unity in the face of a rapidly evolving work environment.

***Names changed to protect workers' identities.**

THEME IN FOCUS

The Mobilities of Gig Work in Colombia

The unfair distribution of resources and risks related to mobility infrastructures affects workers' living conditions. This year we reflect on the impact of transport systems, roads, injury risks and the experience of moving through the city in the working conditions of platform workers.

Motorcycle-mobilities

Motorcycles have become the preferred working tool for thousands of delivery workers in Colombia. Since the beginning of the Fairwork ratings for Colombia back in 2021, the Fairwork project has witnessed the aspirations of many delivery workers to upgrade their bicycles to motorcycles. Having a motorbike not only improves the efficiency of delivery, but also becomes an asset for the mobility of the worker's family. Nevertheless, the impact of motorcycles goes beyond the platform economy, as motorcycles have been embraced as the preferred transportation for millions of Colombians. Last year, 74% of new vehicle sales in the country were motorcycles, meaning that 804,193 new motorcycles entered the country in 2022¹⁰. 61% of the national vehicle fleet is motorcycles, that is, 10.9 million motorbikes in a country of 51.6 million inhabitants.

The use of motorcycles has significantly increased mortality by road accidents in the country. A quick look at the Global Burden of Disease¹¹ offers some interesting insights about the landscapes of risk that workers in Colombia face. One of the main drivers of disability and illness among young people in Colombia is traffic accidents, violence and self-harm. According to the National Agency of Road Safety (from now on, ANSV) mortality by motorcycle accidents was 9.54 per 100,000 inhabitants in 2022.¹² This rate is as high as mortality from highly prevalent cancers in the country such as prostate

cancer (7.58 per 100,000), breast cancer (10.48) and cervical cancer (4.31).¹³ This, in a context in which 79% of motorcyclists do not have mandatory traffic accident insurance.

GOVERNMENTS AND COMPANIES SHOULD FACE THE REALITY OF 'MOTORCYCLE-MOBILITIES', THE RISKS THAT IMPOSES ON WORKERS, AND THE WAYS OF BALANCING SAFETY AND THE RIGHT OF TRANSPORT.

UNIDAPP (the Union of Platform Delivery Workers) has warned that one of the main risks that delivery workers face is traffic accidents and the lack of insurance.¹⁴ In the case of platform workers, a survey conducted in 2020¹⁵ among delivery workers showed that 36.8% have suffered accidents while working and 33.3% have had work related illness. Recently, the story of a delivery worker who suffered an amputation in a traffic accident went viral.¹⁶ This case rendered visible the silent suffering of thousands of gig workers who face risk without insurance and basic social security.

Governments and companies should face the reality of ‘motorcycle-mobilities’, the risks that imposes on workers, and the ways of balancing safety and the right of transport in cities with very precarious public transportation. This year the ASNV developed the first survey of motorcyclists in the country. The results show that 34.9% of motorbike owners consider it a working tool; 17.9% report working in delivery and 36% work in ride-hailing. Unfortunately, the survey does not ask about the use of digital platforms. Still, the dependence of workers on motorcycles for both transportation and work is enormous. There are potentially almost four million workers in Colombia whose work depends on this kind of mobility.

Crossing the city

Bogotá, the capital of Colombia, is amongst the cities with the worst traffic in the world. Like most large Latin American cities, Bogotá struggles with high traffic congestion and poorly funded public transportation.¹⁷ In 2023, according to the INRIX Index, Bogotá was ranked as the six most congested city in the world, and on average, Bogotanos spend around 122 hours per year sitting in traffic.¹⁸ Domestic workers have the longest commutes of all workers in urban Bogotá.¹⁹ As Montoya and Escobar (2020) state:

‘according to the 2015 Bogotá’s Mobility Survey, of all economic activities considered, those respondents devoted to domestic work have the longest daily travel times. With an average total travel time of 155 min, domestic workers rank second just after farm workers, with no significant statistical difference between the two groups. By contrast, Employees of Private Firms travel 15 min less, on average, with the difference in mean travel time being statistically significant at a 99% level. Moreover, average travel time per day of domestic workers is 22% longer than that of the whole sample. This represents an average of almost 30 min of additional time spent in transportation each business day’.

They also conclude that domestic workers travel mostly between low-income peripheral areas in the west and south to high-income residential areas in the north and east, and as a group, domestic workers are frequent users of public transportation. According to the results obtained from the data in the 2015 Mobility Survey, ‘public transportation was the main mode in 82% of the trips that domestic workers made during business days (excluding walking trips that took less than 15 min) versus 47% for adult (18 years old or

older) respondents of the survey’.²⁰

This situation is also confirmed in our interviews with domestic workers in Bogotá and Medellín. Commuting between their homes towards their workplace is for many domestic workers one of the most challenging obstacles of their work.

“As I live so far away and the traffic jams here in Bogotá, I leave at 4:30 in the morning or earlier and get in at 7:30 or 8:00 a.m. ... to get back home is complicated, on Friday I left at 6 p.m. and got home at 10 p.m. It was raining very hard and that made me sick” (AseoYa worker).

“I always prefer to get to places half an hour earlier and wait around, rather than go with that anxiety because you don’t know what awaits you on the way” (AseoYa worker).

“The only bad thing is that if you are in a place, for example on 187 (north of the city) and they send me there to Kennedy (south of the city), which has happened to me, you can’t get there, you don’t have enough time and they tell you you have to get there, plus that day there were marches, I couldn’t even eat lunch and then I end up arriving home at 9pm” (AseoYa worker).

COMMUTING BETWEEN THEIR HOMES TOWARDS THEIR WORKPLACE IS FOR MANY DOMESTIC WORKERS ONE OF THE MOST CHALLENGING OBSTACLES OF THEIR WORK.

The time spent moving around the city creates additional burden on their care responsibilities. Amongst platform domestic workers, we found many cases in which women in their 50s don’t only look after their own parents, but also two generations more—their children and grandchildren—providing not only economic support for three generations but also performing domestic care duties in their ‘free time’. Fraser and colleagues²¹ have noted this ‘crisis of care’, in which care work is foisted upon families just as their capacity to perform it diminishes.

Living in a car

Ride-hailing workers have been at the centre of the discussion about mobility in Colombia. Their contribution is a clear complement to public transport, unintentionally complementing the available supply of transport in cities like Bogotá, in which the public transport infrastructure is rather limited. However, there are serious concerns regarding the working conditions of drivers that need to be addressed to ensure their sustainability and harmonious integration with public transport.

First, many drivers almost 'live' in their cars, despite the fact that the average income of transport platform workers is above the minimum wage and even above the living wage.²² Our research has documented that most are subjected to working hours of more than 60 hours per week, and are exposed to a number of road risks (road accidents and muggings) and police harassment without any insurance to guarantee an income in the case of calamity or illness. Social security coverage depends entirely on the will of the driver and the platforms provide little or no support.

Second, traffic jams are a very stressful situation for drivers. As was noted by one of the drivers we interviewed:

"There are many physical risks, many, because we drive on four wheels and there are so many accidents on the street. Apart from that, the stress of driving, the stress is 100%. You have to do a lot of yoga, have a lot of patience, listen to a lot of music, chew a lot of gum. That's how to avoid getting into that conflict with the body, because the body demands a lot from you" (Didi driver).

The connections between good urban mobility and mental health are often taken for granted both by government and digital platforms. As was noted by another driver:

"Then one has to manage that degree of stress so as not to get into controversy with the client. And stress is very difficult to manage here because we don't have a therapist, or, let's put it this way, we don't have (someone), who helps us manage the level of stress. Hey, you go to the EPS to make an appointment for a psychologist, and it takes six months, and in six months you already have stress in your spine" (Didi driver).

MOST DRIVERS ARE SUBJECTED TO WORKING HOURS OF MORE THAN 60 HOURS PER WEEK.

Policymakers need to understand platform work as a sociotechnical problem. It entails a more comprehensive vision of the role of platforms in the context of transport and city models and in its articulation with other forms of transport, complementarity with the public transport system, and with private transport. Ride-hailing platforms have been fundamental as sources to work and income for thousands of families. However, platform drivers need professionalisation and better regulation both from labour and transportation policy.

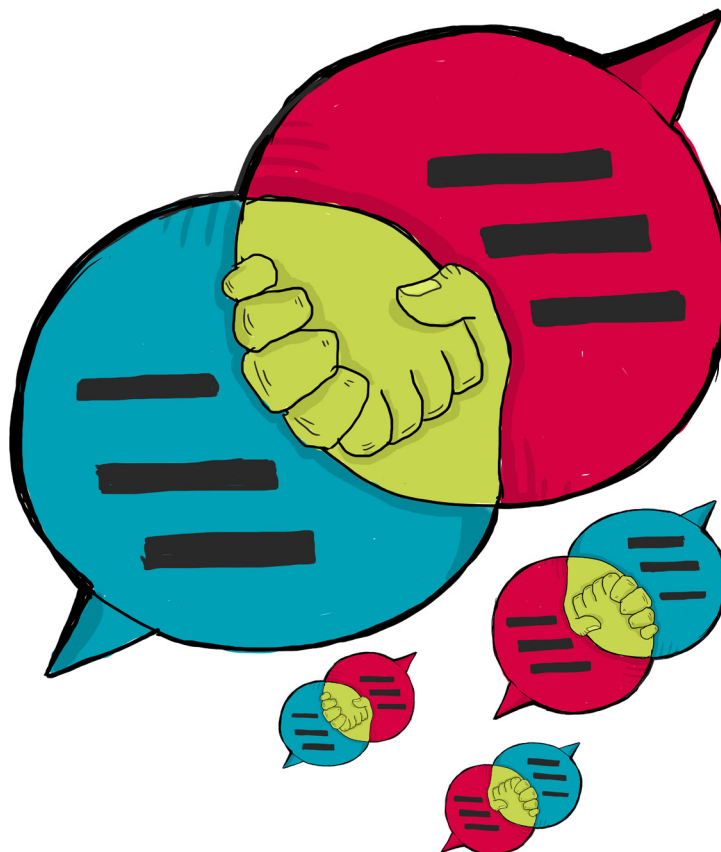
MOVING FORWARD

Platform Changes

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

Fair Management:

Following dialogue with the Fairwork team, **Hogarú**, **Cabify**, and **Aux** have developed inclusion and antidiscrimination policies. The policies have been presented and discussed with workers and they have become part of the operations and procedures of the platforms.



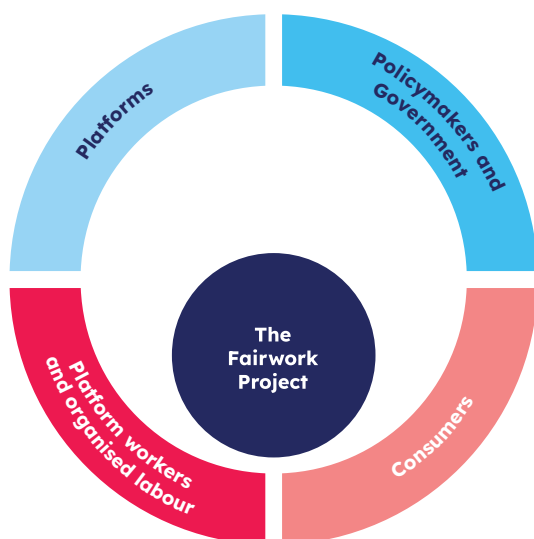
Pathways to Change

Fairwork’s theory of change trusts in the belief that empathy and knowledge create change. If they have the economic means to choose, consumers will carefully consider 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 Colombia, and we are seeing increasing influence and impact. In this regard, we see four pathways to change (Figure

Figure 2: Fairwork’s Pathways to Change



Our first and most direct pathway to improving working conditions in digital labour platforms is by engaging directly with platforms operating in Colombia. Many platforms are aware of our research, and eager to improve their performance relative to last year, and to other platforms. For example, Hogarú, AseoYa, AUX and Cabify all engaged with us by providing detailed information about their policy changes and evidence of their positive effects for workers. We acknowledge there is a long way to go, but every conversation counts to keep the debate going. Furthermore, Cabify, Hogarú and AUX have written and published an antidiscrimination policy, which is available to their workers and which has been included within the platform’s procedures.

The Fairwork project engages with policy makers and government to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Over 2023, Fairwork met with the Ministry of Labour to advise on the regulation of digital labour platforms in Colombia, particularly in regard to key aspects of the Labour Reform Bill. The evidence produced by Fairwork contributed to the writing of the technical justification of the Bill PL 166 2023 C, that is, the Labour Reform initiative currently being discussed in Congress, which we discussed earlier in this report.

Finally, and most importantly, workers and their organisations are at the core of Fairwork’s model. Our principles have been developed and are continually refined in close consultation with workers and their representatives (Figure 3). Our fieldwork data, combined with feedback from workshops and consultations involving workers, informs how we systematically evolve the Fairwork principles to remain in line with their needs.

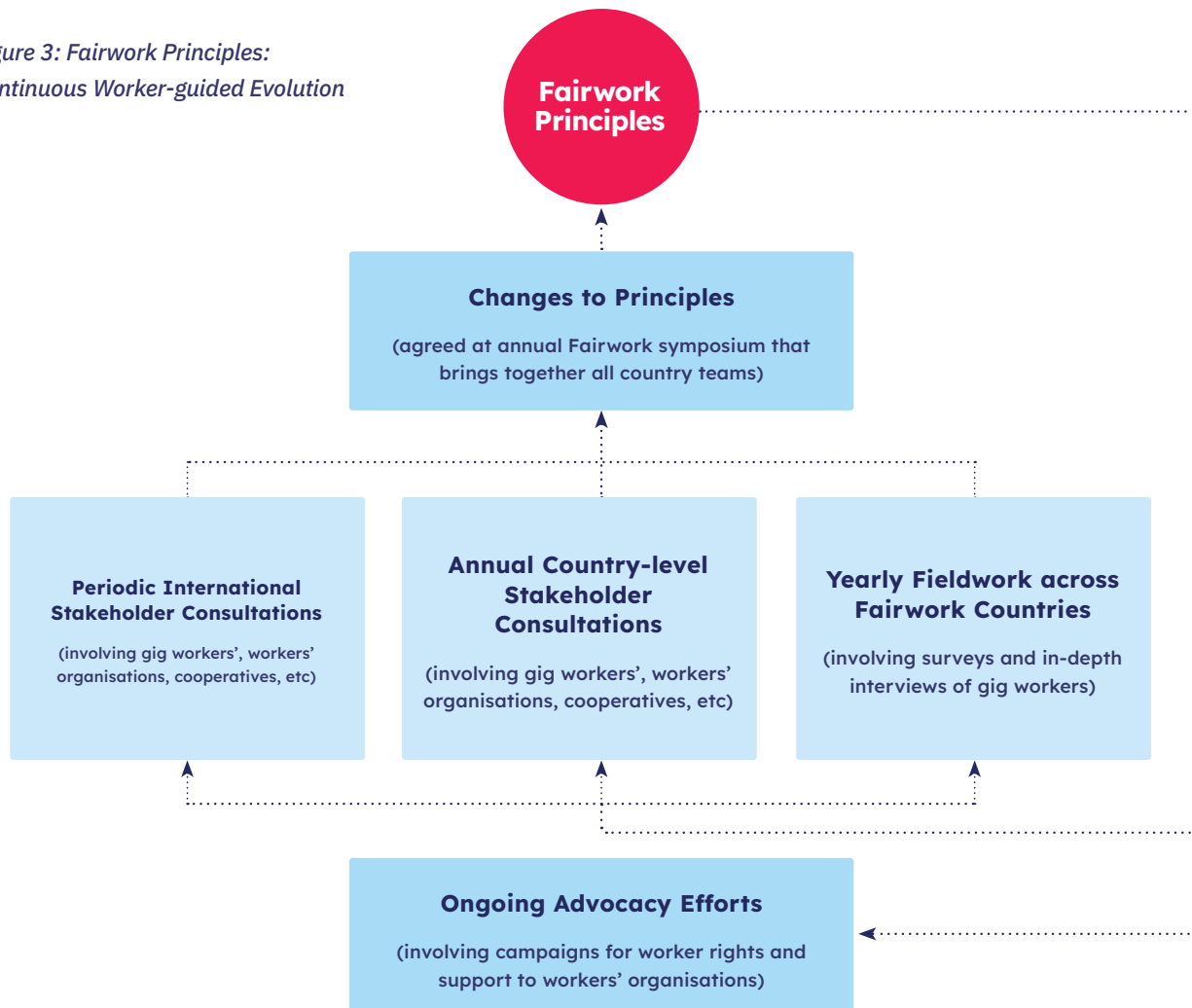
To that end, we have consulted labour organisations, such as UNIDAPP, which are leading worker organising in digital labour platforms to ensure our scores reflect the priorities of workers. We have also run an independent survey and billboard campaign reflecting public attitudes toward platform work.

We found that only 20% of the Colombian public think that digital labour platforms pay workers a fair wage, and a majority believe that platforms prioritise profits over beneficial impacts to society. The findings also show that 72% support changes to employment law aimed at reducing the number of misclassified self-employed workers, and 85% think platforms should be mandated to negotiate with representative unions.²³

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed.

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

Figure 3: Fairwork Principles:
Continuous Worker-guided Evolution



The Fairwork Pledge

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

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. We are proud to announce these are the official Fairwork Supporters in Colombia: GIZ, WZB Berlin, the Oxford Internet Institute, and the School of Human Sciences at the Universidad del Rosario. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice.

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

WWW.FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”²⁴. 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”²⁵. 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 models²⁶.

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, subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

How does the scoring system work?





















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

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

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

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

Table 1 Fairwork: Scoring System

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

Maximum possible Fairwork Score



Principle 1: Fair Pay

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

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle²⁷. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.²⁸ 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 hours²⁹. 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 costs³⁰.

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^{31 32}.

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 risks³³.

- 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 risks³⁴. 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 workers³⁵. 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 interface³⁶.
- 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 status³⁷.
- 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 mechanism³⁸ 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 interface³⁹.
- 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 representation⁴⁰.

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:

- Workers play a meaningful role in governing it.
- 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 representation⁴¹.

Credits and Funding

Fairwork is a project coordinated by the Oxford Internet Institute, University of Oxford and the WZB 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 Health Consultation and Community Development (CHD), Centre for Labour Research, CIPG Innovation Policy Governance, CREDI, De La Salle University, FLACSO-Ecuador, Institute for a Fair Economy, International Institute of Information Technology Bangalore (IIITB), International University of Rabat, iSocial, KU Leuven, Lagos Business School, Luigi Gurakuqi University of Shkodër, 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 Católica del Uruguay, Universidad Complutense de Madrid, Universidad del Rosario, University of California College of the Law, San Francisco, University of Manchester, and University of São Paulo.

Authors:

Oscar Javier Maldonado, Derly Sánchez Vargas, Laura Mantilla-León, Isabella Jaimes, Alessio Bertolini, Mark Graham

Fairwork Colombia team:

Oscar Javier Maldonado, Derly Sánchez Vargas, Laura Mantilla-León, Víctor Manuel Hernandez, Isabella Jaimes and Sergio Daniel Sanchez.

Legal advisors:

Felipe Chica and Miguel Angel Díaz

Fairwork team:

Jana Ababneh, Eisha Afifi, Wirawan Agahari, Pablo Aguera Reneses, Iftikhar Ahmad, Shamarukh Alam, María Belen Albornoz, Luis Pablo Alonzo, Oğuz Alyanak, Hayford Amegbe, Branka Andjelkovic, Marcos Aragão, María Arnal, Arturo Arriagada, Daniel Arubayi, Sami Atallah, Tat Chor

Au-Yeung, Ahmad Awad, Razan Ayesha, Adam Badger, Meghashree Balaraj, Joshua Baru, Ladin Bayurgil, Arian Berthoin Antal, Alessio Bertolini, Wasel Bin Shadat, Virgel Bingham, Ameline Bordas, Maren Borkert, Álvaro Briales, Lola Brittain, Joe Buckley, Callum Cant, Rodrigo Carelli, Eiser Carnero Apaza, Eduardo Carrillo, Maria Catherine, Chris King Chi Chan, Henry Chavez, Ana Chkareuli, Andrea Ciarini, Antonio Corasaniti, Pamela Custodio, Adriansyah Dhani Darmawan, Olayinka David-West, Janine De Vera, Luisa De Vita, Alejandra S. Y. Dinegro Martínez, Brikena Kapisyzi Dionizi, Ha Do, Matías Dodel, Marta D'Onofrio, Elvira Drishti, Veena Dubal, James Dunn-Willimason, Khatia Dzamukashvili, Pablo Egaña, Dana Elbashbishy, Batoul ElMehdar, Elisa Errico, Úrsula Espinoza Rodríguez, Patrick Feuerstein, Roseli Figaro, Milena Franke, Sandra Fredman, Farah Galal, Jackeline Gameleira, Pía Garavaglia, Chana Garcia, Michelle Gardner, Navneet Gidda, Shikoh Gitau, Slobodan Golusin, Eloísa González, Mark Graham, Rafael Grohmann, Martin Gruber-Risak, Francisca Gutiérrez Crocco, Seemab Haider, Khadiga Hassan, Richard Heeks, Sopo Japaridze, Mabel Rocío Hernández Díaz, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Nur Huda, Huynh Thi Ngoc Tuyet, Francisco Ibáñez, Neema Iyer, Tanja Jakobi, Athar Jameel, Abdul Bashiru Jibril, Ermira Hoxha Kalaj, Raktima Kalita, Revaz Karanadze, Zeynep Karlidağ, Lucas Katera, Mishal Khan, Bresena Dema Kopluku, Maja Kovac, Zuzanna Kowalik, Anjali Krishan, Martin Krzywdzinski, Amela Kurta, Ilma Kurtović, Morad Kutkut, Tobias Kuttler, Arturo Lahera-Sánchez, Jorge Leyton, Georgina Lubke, Bilahari M, Raiyaan Mahbub, Wassim Maktabi, Oscar Javier Maldonado, Laura Clemencia Mantilla León, Claudia Marà, Ana Flavia Marques, Margreta Medina, Rusudan Moseshvili, Nacef Mouri, Jamal Msami, Karol Muszyński, Hilda Mwakatumbula, Beka Natsvlishvili, Mounika Neerukonda, Ana Negro, Chau Nguyen Thi Minh, Sidra Nizambuddin, Claudia Nociolini Rebecchi, Bonnita Nyamwire, Michelle Ogolla, Oluwatobi A. Ogunmokun, Frederick Pobee, Daviti Omsarashvili, Caroline A Omware, Nermin Oruc, Christian Nedu Osakwe, Balaji Parthasarathy, Francesca Pasqualone, María Inés Martínez Penadés, Leonhard Plank, Frederick Pobee, Valeria Pulignano, Jack Linchuan Qiu, Jayvy R. Gamboa, Ananya Raihan, Antonio Ramírez, Juan-Carlos Revilla, Ambreen Riaz, Alberto

Riesco-Sanz, Nagla Rizk, Moisés K. Rojas Ramos, Federico Rosenbaum Carli, Cheryll Ruth Soriano, Julice Salvagni, Derly Yohanna Sánchez Vargas, Maricarmen Sequera, Murali Shanmugavelan, Aditya Singh, Shanza Sohail, Janaki Srinivasan, Anna Sting, Zuly Bibiana Suárez Morales, David Sutcliffe, Mubassira Tabassum Hossain, Tasmeena Tahir, Ainan Tajrian, Dinh Thi Chien, Kiko Tovar, Funda Ustek Spilda, Jonas Valente, Giulia Varaschin, Daniel Vizuete, Annmercy Wairimu, Jing Wang, Robbie Warin, Nadine Weheba, Najlae Zhani and Sami Zoughaib.

External scoring reviewers:

Jonas Valente and Henry Chavez.

Editing:

David Sutcliffe

Please cite as:

Fairwork (2023) Fairwork Colombia Ratings 2023: The Mobilities of Gig Work in Colombia. Oxford, United Kingdom; Berlin, Germany.

Please note that this report contains sections in common with other Fairwork reports, notably the Fairwork Framework, parts of the Impact and Next Steps section and the Appendix.

Report design:

One Ltd

Communications and typesetting:

Navneet Gidda, Pablo Aguera Reneses, Creative Mouse

Funders:

The Fairwork Project has received funding from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), commissioned by the Federal Ministry for Economic Cooperation and Development (BMZ), and Universidad del Rosario.

Special thanks to:

Katia Padvalkava, Duncan Passey, Maisy Gills, Sara Spinks, Lucy Hennings, Isabelle Malcolm, Philip Hind, Ornella Sciuto, Caroline Hampshire, and David Sutcliffe at the University of Oxford for their extensive administrative support for the project since its inception. Special thanks to Oguz Alyanak for the strategic review. The project team is deeply grateful to Shakhlo Kakharova, Lukas Sonnenberg, and Kirsten Schuettler at GIZ for their continuing support and guidance as we take our work to the next stage. Finally, we would like to acknowledge a large number of workers and platform managers in Colombia for taking the time to help us build our platform ratings. All of the work in this project was shared not just amongst our research team, but also amongst the stakeholders who our ratings ultimately affect.

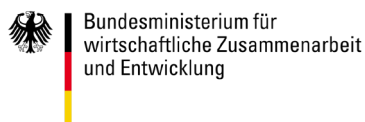
Conflict of interest statement:

None of the researchers have any connection with any of the platforms and 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.

A COLLABORATION BETWEEN



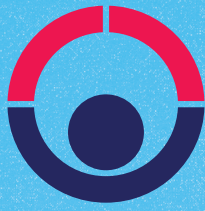
FUNDED BY



ENDNOTES

1. It has been difficult to calculate the exact number of platform workers in Colombia. Fedesarrollo, a private think tank, estimated in 2021 that there are approximately 200,000 platform workers in the country. However, this figure might be contested as it only takes into account delivery and rail-hailing workers.
2. Colombian legislation for domestic workers (96% of whom are women) is the same as for all other Colombian formal workers. Employers are therefore obliged, by law, to treat a domestic worker with the same labour considerations as any other worker in a company or organisation. The following is the explicit legislation that covers them: Law 2101 of 2021, article 2, Law 2101 of 2021, Sentence C-028/19, Law 1778 of 2016. <https://www.trabajadorasdomesticas.org/la-ley/legislacion-laboral-en-colombia>
3. Mobilities is a contemporary paradigm in the social sciences that explores the movement of people (human migration, individual mobility, travel, transport), ideas (see e.g. meme) and things (transport), as well as the broader social implications of those movements. Mobility can also be thought of as the movement of people through social classes, social mobility or income, income mobility. See: Urry, J., 2007. *Mobilities*. Cambridge: Polity.
4. The World Bank (2022) Colombia Country Overview. In: <https://www.worldbank.org/en/country/colombia/overview> (Access, 26th October 2023).
5. <https://reporting.unhcr.org/operational/situations/venezuela-situation>
6. Fedesarrollo (2021). Plataformas digitales y contribuciones a seguridad social. El caso de Colombia antes y después de la pandemia. *Coyuntura Económica: Investigación Económica y Social*. 51, pp. 81-114.
7. <https://www.larepublica.co/empresas/rappi-dice-que-la-reforma-laboral-dejaria-a-90-de-los-rappitenderos-sin-ingresos-3578941>
8. Gustavo Petro is the current president of Colombia. The current presidential period is 2022-2026.
9. <https://fair.work/en/fw/principles/fairwork-principles-location-based-work/#footnote-10>
10. <https://www.runt.com.co/sites/default/files/Bolet%C3%ADn%20de%20Prensa%2001%20de%202023.pdf>
11. <https://www.healthdata.org/research-analysis/health-by-location/profiles/colombia> (Accessed 26th September 2023).
12. <https://ansv.gov.co/es/observatorio/estad%C3%ADsticas/historico-victimas> (Accessed 26th September 2023).
13. Hernández Vargas, J.A., Ramírez Barbosa, P.X., Gil Quijano, A.M. et al. Patterns of breast, prostate and cervical cancer incidence and mortality in Colombia: an administrative registry data analysis. *BMC Cancer* 20, 1097 (2020). <https://doi.org/10.1186/s12885-020-07611-9>
14. <https://www.facebook.com/groups/2832830006944841/> (Accessed 26th September 2023).
15. Jaramillo Jassir, Iván (2020). *Riders: entre el desvalor del trabajo y la superación del confinamiento* (Trabajo y justicia social). Bogotá.
16. <https://www.eltiempo.com/bogota/el-drama-del-rappitendero-que-perdio-una-pierna-en-un-accidente-laboral-748844> (Accessed 26th September 2023).
17. <https://blogs.worldbank.org/transport/managing-transport-demand-and-traffic-congestion-what-can-we-learn-bogota> (Accessed 26th September 2023).
18. <https://inrix.com/scorecard/>
19. Montoya-Robledo, Valentina; Escovar-Álvarez, Germán (2020). Domestic workers' commutes in Bogotá: Transportation, gender and social exclusion. In: *Transportation research. Part A. Policy and practice*. 139:400-411; Great Britain: Elsevier Science B.V., Amsterdam., 2020.
20. Ibidem.
21. Arruzza, C., Bhattacharya, T., Fraser, N. (2019) *Feminism for the 99%. A Manifesto*. New York: Verso.
22. We have followed the Living Wage Coalition standards to approach Living wage calculations. Specifically, we followed the Anker Foundation calculation of Living wage for Colombia (2021). <https://www.globallivingwage.org/living-wage-benchmarks/living-wage-for-caribbean-coast-of-colombia/> However, this calculation has been done only for the Caribbean Coast region. To project a living wage for the central region (Bogotá, Medellín and Cali), see <https://repositorio.banrep.gov.co/handle/20.500.12134/6336>, we have increased the Anker Living Wage 25%. The living Wage for the central region in 2023 was estimated at \$2,627,839.28 COP. All the benefits such as primes, bonuses and severances fees are added to the salary and contribute to the living wage. The monthly living wage is divided into 192 hours (48 hours is the legal working week in Colombia).
23. Fairwork (2022). Encuesta digital sobre la percepción de los ciudadanos sobre las plataformas digitales y los trabajadores de las plataformas digitales. CNC, WZB Berlin and Fairwork Colombia.
24. ILO (2021). *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*. Geneva: International Labour Organization. p. 31. Available at: https://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm.
25. ILO 2021 report, p.107
26. De Stefano, V. (2016). The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig-economy'. Geneva: International Labour Organization. p. 1 Available at: https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm.
27. Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

28. 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.
29. 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.
30. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.
31. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition’s Anker Methodology to estimate one.
32. 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.
33. 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.”
34. 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.”
35. 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.
36. 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.
37. In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
38. 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.
39. 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.”
40. 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.
41. 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.



Fairwork

Find out more

 [fair.work](https://www.fair.work)

 info@fair.work

 [@TowardsFairWork](https://www.facebook.com/TowardsFairWork)

 [@TowardsFairWork](https://twitter.com/TowardsFairWork)