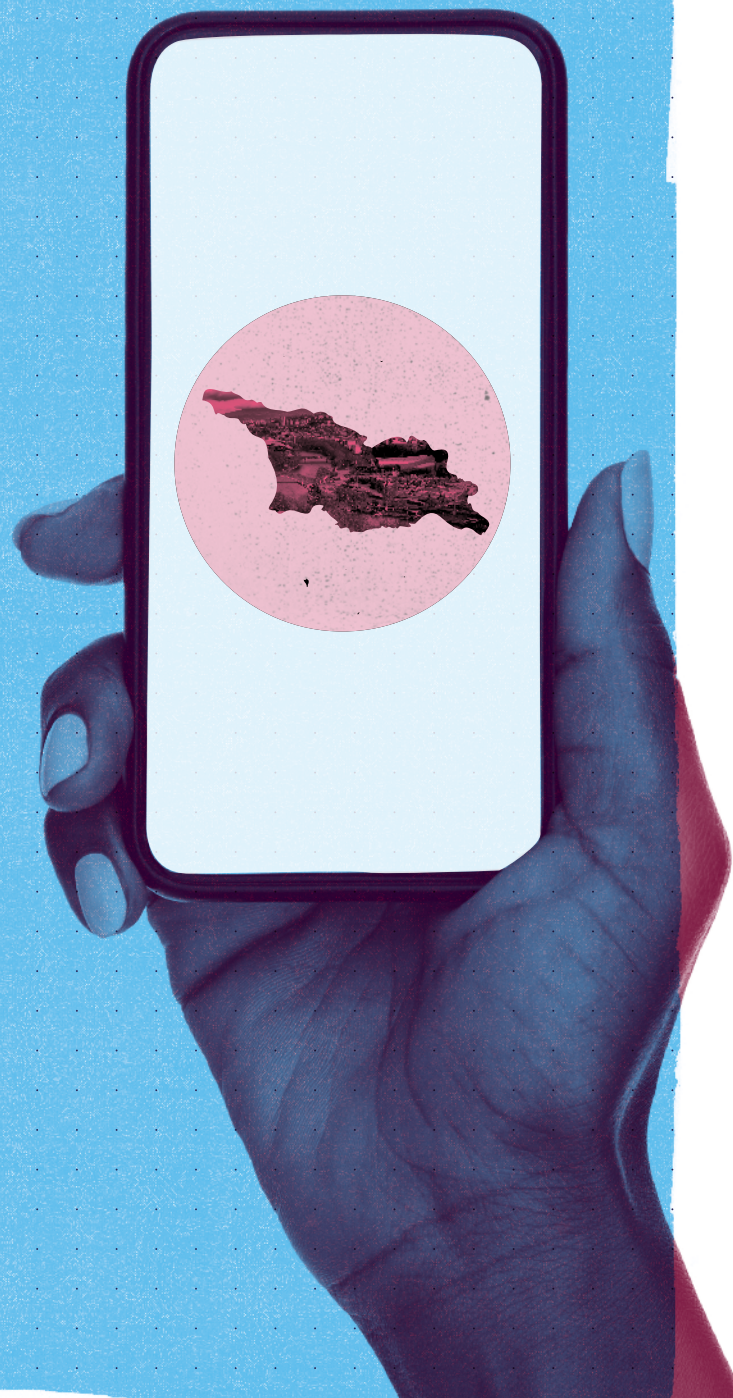


Fairwork

**OLD CHALLENGES AND NEW
FORMS OF WORK IN THE
NEOLIBERAL PARADISE**

Fairwork Georgia Ratings 2023



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Executive Summary

The Fairwork team in Georgia has embarked on the task of assessing various digital labor platforms for the first time in the country. The prevalence of platform work has significantly increased, particularly in urban areas, providing a source of income for many individuals. However, the results of our inaugural report shed light on several areas where substantial improvements are needed to enhance the working conditions and welfare of platform workers in Georgia.

This report assesses six of Georgia's digital labor platforms spanning various sectors against five principles of fairness—fair pay, fair conditions, fair contracts, fair management, and fair representation—giving each a fairness rating out of ten. Our findings reveal that a majority of platform workers continue to grapple with unjust working conditions and a lack of essential social protections. Notably, one critical issue is the classification of these workers, as they are not recognized as traditional employees. Consequently, they are deprived of fundamental employment guarantees, including severance pay, paid vacations, and basic job protections against unfair termination.

While some platform workers may appreciate the relatively low taxation rates resulting from their „partner“ status, the burden of covering various expenses is disproportionately high. Estimates from workers interviewed for this study suggest that, on average, approximately 30-40% of their income is allocated to meeting essential costs such as fuel, maintenance, food, and other miscellaneous expenses. This substantial deduction significantly reduces the portion of income available for savings or other financial goals, perpetuating financial vulnerability among workers.

One glaring challenge faced by platform workers in Georgia is the absence of official company representation within the country. This void exacerbates the difficulties encountered by these workers in their daily work routines. The inherent stress associated with navigating traffic, concerns for safety,

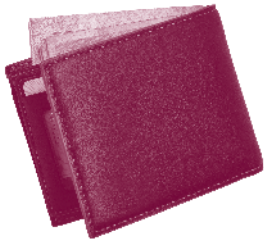
and interactions with passengers contribute to the overall challenging nature of platform work.

Regrettably, it appears that the platforms have yet to take substantial measures to address the myriad challenges faced by their workers. Platform drivers and couriers report a lack of responsiveness and accountability on the part of the platforms, leading to a perception that their concerns remain unattended. While there may be some minor initiatives, such as efforts to split heavy orders or introduce minor adjustments, they do not comprehensively address the broader issues encompassing safety, handling difficult passengers, and mitigating stress related to traffic.

Poor communication with platform support teams is a commonly shared frustration among workers, with many describing it as unhelpful or ineffective. Consequently, workers find themselves navigating these challenges largely on their own, further emphasizing platforms' prioritization of swift order delivery over addressing the issues faced by platform workers.

This assessment of platform work in Georgia highlights the pressing need for substantial improvements in various aspects, from worker classification and income distribution to safety measures and responsive platform support. Addressing these concerns is paramount in ensuring fair and equitable working conditions for platform workers in Georgia.

Key Findings



FAIR PAY

Currently, Georgia only has a de jure minimum wage, introduced in 1999, which is not of much consequence in practice since it's so low. Accordingly, all platforms were awarded a point for meeting the minimum wage. But above that, the research team could find no evidence that all workers of any platform earned above the living wage.

In evaluating living wage criteria, our scoring system took into account not only the hourly payment to workers but also factored in expenses related to task-specific equipment and out-of-pocket work-related costs. Additionally, waiting times between jobs were considered in the overall assessment. When expanding this calculation to encompass the actual living wage, currently set at 1770 GEL (\$650) per month and 10.2 GEL(\$3.80) per hour according to Wageindicator.org, none of the platforms could provide evidence of meeting this fair pay principle.



FAIR CONDITIONS

In the platform economy, mitigating task specific risks is often considered to be the workers' responsibility. Numerous reports by workers interviewed for this study have highlighted that most couriers commenced their roles without receiving dedicated safety training and equipment.

Instead, many workers in our interviews mention relying on instructional videos or participating in brief online sessions focused on app usage and passenger interactions. While some platforms state the availability of safety training on their websites or in the interviews conducted for this study, it's often stressed that attendance is optional. The onus of safety concerns appears to rest predominantly on the drivers themselves, as the platforms offer limited formal training. In this year's ratings, only one platform, Glovo, was awarded a point for fair conditions, because we found evidence for sufficient measures to mitigate task specific risks at no additional cost to the workers.



FAIR CONTRACTS

Only Glovo, Maxim and Wolt were awarded a point for having clear terms and conditions under Georgian law that are available and understandable for workers.

Unfortunately, no platform could be awarded a point for the second threshold because there was not enough evidence that workers are notified of changes within a reasonable timeframe, that the contract/terms and conditions don't include clauses which exclude liability for negligence or unreasonably exempt the platform from liability for working conditions, and that the data collected and calculations used for dynamic pricing are transparent and documented in a form available to workers.



FAIR MANAGEMENT

Drivers and couriers we interviewed frequently express dissatisfaction with the platform's responsiveness and accountability, feeling that their concerns are not adequately acknowledged.

Despite some minor measures, such as order splitting and additional compensation under specific conditions, these efforts fall short of addressing broader challenges related to safety, difficult passengers, and traffic-related stress. Communication with platform support teams is often deemed unhelpful or ineffective, leaving workers to navigate these challenges largely independently. There is a prevailing perception among workers that platforms prioritize quick order delivery over addressing the broader issues they face in their work.

Glovo and Wolt both earned one point for providing an easily accessible channel for workers to communicate with their support team. Glovo also offers physical contact hours at the Courier center in Tbilisi.

Only Wolt was awarded a point for the second threshold by providing evidence of an anti-discrimination policy, additional measures to promote diversity, equality and inclusivity, a clear documentation of the algorithms used for task allocation, and for not utilizing potentially discriminatory ratings in their evaluation process.



FAIR REPRESENTATION

Collective organization and representation are fundamental rights for workers and employees in most countries.

However, the legal protection of these rights is often absent for 'self-employed' workers. Unfortunately, none of the platforms in our assessment could be awarded any scores in this regard. The absence of recognition or support for collective organization and representation raises concerns about the rights and protections afforded to self-employed workers within the platform economy.

EDITORIAL

Platform Workers in Georgia are Growing

Platform work in Georgia has experienced remarkable growth, driven by various economic factors that favor its expansion². One of Georgia's notable strengths lies in its extensive digital infrastructure³. While not everyone may have access to computers, the widespread use of smartphones and available internet access ensures that the population can easily connect with digital labor platforms.

Another significant factor contributing to the thriving platform economy in Georgia is the country's economic landscape. Wages in the region are relatively low, and unemployment rates, particularly among young men, are high⁴. In such an environment, platform work presents an appealing opportunity for individuals to supplement their income and make ends meet. The economic necessity of seeking additional income sources has driven many to explore the possibilities offered by platform-based work.

Georgia also boasts a well-developed financial services sector, which plays a crucial role in supporting platform workers. Access to banking and payment systems is vital for platform workers to receive their earnings and manage their finances effectively. The availability of such financial services further encourages individuals to engage in platform-based work.

The country's economic environment is characterized by deregulation, low taxation, and a significant reliance on service work with relatively low wages. Additionally, many internships, even if they are unpaid, may require

apprentices to pay for the privilege of learning the ropes, further underscoring the need for additional income sources.

A closer look at the workers engaged in platform-based work in Georgia through the interviews conducted for this study reveals the diverse range of prior job experiences they bring to the table. These experiences are often shaped by the structural characteristics of Georgia's economy, especially for men, since we found it is mostly men who are working on these platforms. The past roles held by the platform workers we interviewed included hardware installers, street vendors, distribution workers, football coaches, and guards, spanning sectors like construction, agriculture, sales, and hospitality. Even those in creative professions, such as artists and musicians, have faced the economic necessity of seeking additional income sources due to low wages in their fields.

A combination of factors has helped sustain market demand for digital labor platforms in Georgia. These include the country's status as a tourist destination, an

influx of Russian political asylees, and the COVID-19 lockdown, which have created a consistent demand for services offered through platforms. The convergence of these factors has made it unsurprising that platform work has taken a firm hold in Georgia's economic landscape.

However, it's essential to acknowledge that the platform economy in Georgia also presents its unique challenges. Survey data offers valuable insights into the financial aspects of transitioning to platform-based work in Georgia. Approximately 25% of the 62 respondents in our study reported making almost the same or more money in their previous non-platform-based work compared to their current platform work. Their motivations for choosing platform-based jobs were often driven by financial needs, flexible schedules, and favorable working conditions. The flexibility in work hours and the absence of direct supervision were particularly appealing, providing workers with a sense of freedom in their employment.

THE ECONOMIC NECESSITY OF SEEKING ADDITIONAL INCOME SOURCES HAS DRIVEN MANY TO EXPLORE THE POSSIBILITIES OFFERED BY PLATFORM-BASED WORK.

However, the convenience of platform work also brings a degree of uncertainty and precariousness. Whether individuals can make a living solely through platform-based work varies. Many of the platform workers we interviewed for this report expressed skepticism about depending solely on platform work for their livelihoods. They often cite the need for additional jobs or financial support from family members. Some acknowledge that the income from platform work, while helpful, may not be sufficient to provide a comfortable life, or to support a family.

The earnings of the platform workers we interviewed vary widely, with some achieving relatively high incomes. However, many of these workers are exceeding a standard 40-hour work week to reach their reported income levels. This means they are essentially working longer hours than typical full-time employment to make ends meet. This raises concerns about burnout, work-life balance, and labor rights.

WHILE PLATFORM WORK IN GEORGIA OFFERS VALUABLE OPPORTUNITIES FOR INCOME GENERATION AND FLEXIBILITY, IT ALSO HIGHLIGHTS THE ECONOMIC CHALLENGES FACED BY MANY INDIVIDUALS IN THE COUNTRY.

The concept of a living wage is particularly relevant in this context, with a calculated threshold of 1770 GEL (about \$650) for the region, according to WageIndicator. A living wage considers both the amount of money earned and the number of hours worked. If workers consistently exceed a 40-hour work week to reach or surpass this threshold, it highlights a significant problem. Such workers may not be meeting the criteria for earning a living wage, as they are required to overextend themselves, potentially compromising their well-being in the process.

While platform work in Georgia offers valuable opportunities for income generation and flexibility, it also highlights the economic challenges faced by many individuals in the country.

To address these challenges and create a more sustainable and stable environment for platform workers, strong unions and policymakers are crucial. These organizations can advocate for workers' rights, negotiate better terms, and provide support. Furthermore, regulatory measures are needed to ensure fair wages, working conditions, and social protections for platform workers. Additionally, platforms themselves can contribute by implementing improvements that enhance workers' well-being, such as fair pay structures and mechanisms for addressing grievances. Collaborative efforts between all stakeholders are essential to create a platform economy in Georgia that benefits both workers and the broader society.

Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital labour platforms. Our ratings are based on five principles that platforms should ensure in order to be considered to be offering basic minimum standards of fairness.

We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Center. Our growing network of researchers currently rates platforms in 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

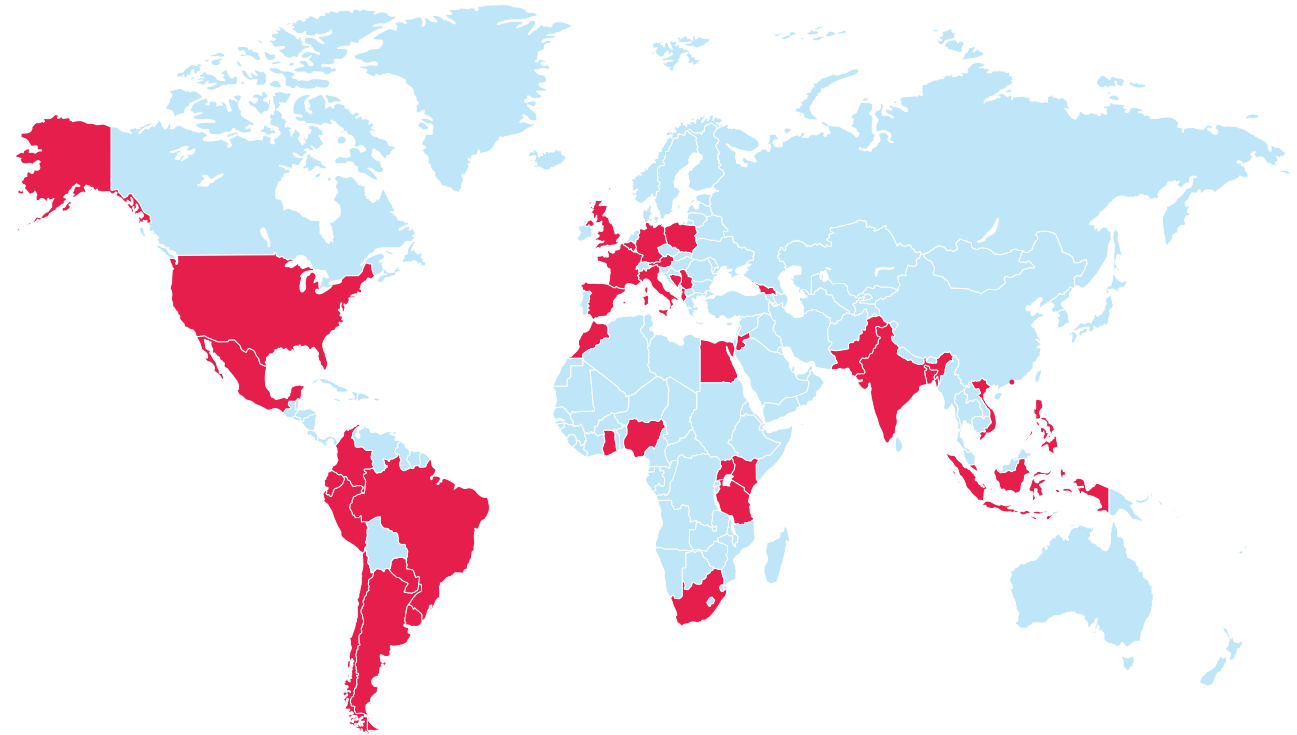


Figure 1. Map of Fairwork countries.

AFRICA

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

ASIA

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

EUROPE

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

SOUTH AMERICA

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

NORTH AMERICA

Mexico, US

The Fairwork Framework

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

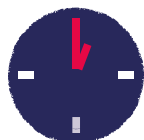
STEP 1

The five principles



Fair Pay

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



Fair Conditions

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



Fair Contracts

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



Fair Management

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



Fair Representation

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

STEP 2

Methodology Overview

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

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

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

Desk research

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

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

Platform interviews

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

Worker interviews

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

Workers are approached using a range of different channels. For our 2023 ratings, this included, in addition to our tried and tested participant recruitment methods, Facebook 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 interviews were conducted in Georgian.

Putting it all together

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

How we score

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

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

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



BACKGROUND

Digital Labour Platforms in Georgia

Platform work is a burgeoning trend in Georgia, with tens of thousands of workers, often referred to as “partners,” actively participating in major cities. However, this rapid growth comes with a drawback, as many of these workers are categorized as self-employed, distancing them from the traditional classification of “hired” workers. This poses a novel challenge in safeguarding their rights and appropriately classifying them to prevent potential exploitation.

Georgia’s Labor Code underwent multiple revisions after the fall of the Soviet Union, with the aim of protecting the ‘weaker’ side, that is, the employees. These revisions in 2006, 2013, and 2020 sought to enhance worker protections, particularly with the reintroduction of the Labor Inspection Service in 2015. Despite these changes, gaps remain, especially for platform workers.

The minimum wage in Georgia has remained fixed at 20 GEL (about \$7.50) since it was set by presidential decree number 351 in 1999.⁵ Since that time, multiple efforts to pass legislation through the Georgian parliament to modify the minimum wage have been unsuccessful, with none of the proposed measures or drafts coming to fruition. The most recent proposal which failed to gain approval from the Parliament suggested setting the minimum wage at a level no less than 45 percent of the country’s officially recognized average salary.⁶

Platform workers, like delivery service couriers, face a challenge in terms of recognition under the Labor Code of Georgia. Platform companies categorize them as “independent contractors” rather than employees, effectively excluding them from many labor rights like regulated working hours and vacation rights. The waves of protests on the biggest platforms the last couple of years (see theme in focus) highlight the need for clarity in their

employment status and overall need to make platform work better for workers.

Legal status dictates which laws apply to an individual, that is, labor laws for employees and civil laws for independent contractors or the self-employed. Current Georgian legislation provides social protection mechanisms, which are directly tied to employment status. This emphasizes the importance of status in the eyes of the law, given the potential for employer exploitation in the absence of such protections.

The concept of self-employment is actually ambiguous in Georgian legislation. Though the term “self-employed” is acknowledged, its recognition is inconsistent. The Tax Code doesn’t recognize this term, while the old Law on Employment did. However, in 2020, the National Statistical Service of Georgia introduced new standards for labor statistics, complicating matters further.⁷ According to the Supreme Court of Georgia, employees are considered the “weaker” party in employment relations,⁸ meriting protection from potential employer abuses. Conversely, self-employed individuals are treated as business entities not employee relations, with fewer protections and more responsibilities, as they’re viewed as equals in civil relations and often engage with multiple parties.

Several ILO Conventions ensure workers' rights, with some applicable to all workers regardless of status, but Georgia has not adopted many of the ILO conventions. For instance, freedom of association applies universally. However, if platform workers are not classified as employees, they cannot leverage many of these rights since they are considered business entities, including collective bargaining or striking, as the Georgian Labor Code applies predominantly to traditional employment relations.

The self-employed, who are now classified as independent entrepreneurs, with an annual turnover below 100 thousand GEL face a 1% turnover tax, while contract employees are subjected to a higher 20% income tax.

However, this tax discrepancy comes with a trade-off. Contract employees enjoy certain social benefits unavailable to independent entrepreneurs. Notably, participation in the state pension fund is obligatory for contract employees, with contributions split between the employee (2%), the employer (2%), and the state (2%).

On the flip side, independent entrepreneurs have the option to voluntarily join the pension scheme, with sole contributions from themselves. This voluntary participation, while offering flexibility, results in reduced retirement savings compared to their contracted counterparts.

Social protections, such as sickness benefits, maternity leave, and unemployment benefits, are pivotal. The Social Security (Minimum Standards) Convention of 1952, among other ILO instruments, establishes minimum protections for workers, including the self-employed. However, in Georgia, many of these protections are applicable only to recognized employees, not platform workers or the self-employed and Georgia has not ratified this convention.

PLATFORM COMPANIES CATEGORIZE WORKERS AS INDEPENDENT CONTRACTORS, EFFECTIVELY EXCLUDING THEM FROM MANY LABOR RIGHTS.

Georgia's current legislation appears to offer a limited scope of protection for platform workers, as critical

social benefits like assistance during incapacitation, paid leave, maternity leave, and associated remunerations are catered primarily to traditional employer-employee relationships. This limitation is further exemplified by the Ministerial Order No. 01-133/N, which excludes the self-employed from the "Rule of payment of leave due to pregnancy, childbirth and child care, as well as adoption of a newborn."⁹ Such exclusions underline a pressing need for legislative reform, especially in an age where the platform economy is on the rise, to ensure that platform workers and the self-employed are not marginalized, and are provided with equal social protections as traditional employees. The evolving nature of work, especially with the rise of platform-based employment, necessitates an examination of labor laws in Georgia. The existing laws do not adequately cover this new class of workers, leaving them vulnerable. Recognizing and adapting to these changes is imperative for Georgia, both to ensure workers' rights and to remain competitive in the global labor market.

As Georgia progresses into the digital era, it faces new challenges surrounding its labor laws, especially in the context of platform-based work. Historically, the nation has shown adaptability, evolving its labor code post the Soviet era to address emerging needs. However, with the rise of digital platforms and the changing nature of work, there is a pressing need to revisit these laws. Platform workers, like delivery couriers, often find themselves in a legal gray area, potentially deprived of the rights and protections typically afforded to traditional employees. Misclassification not only impacts the individual worker but can also lead to potential revenue losses for the state. To ensure that the rights of all workers are protected, regardless of their employment status or the nature of their work, Georgia should look towards international best practices and consider updates to its legislation. In the end, a balanced and fair labor framework will benefit both the individual and the broader Georgian economy.

The jurisprudence of the general courts of Georgia has firmly established the principle of "supremacy of facts" when determining the qualification of a contract. This means that the courts do not merely rely on the labels or terms ascribed by the parties to their contract but instead delve deeper into the substantive and practical nature of the relationship to qualify it accurately.

The Supreme Court of Georgia's pronouncements also emphasize a clear distinction between employment and

labor contracts. While both involve the performance of work or services, an employment relationship is marked by organizational subordination, where an employee works under the prescribed conditions set by the employer. In contrast, a labor contract upholds the equality (independence) of its subjects, focusing primarily on fulfilling the agreement's objective without such subordination. In practical applications, the Supreme Court has qualified the relationship based on the tangible characteristics and terms in the agreements. The court has looked at obligations, such as the provision of information and materials, the specification of functions tied to roles and skills, and the inclusion of certain employment-related terms (e.g., "forced absence from work", "labor consultation").

In essence, Georgia's courts emphasize the actual nature and dynamics of the working relationship over nominal contract titles, ensuring that workers receive the rights and protections to which they are genuinely entitled. This approach is crucial in an age where the lines between traditional employment and contractual work can blur, ensuring that the essence of relationships is not obscured by mere semantics.

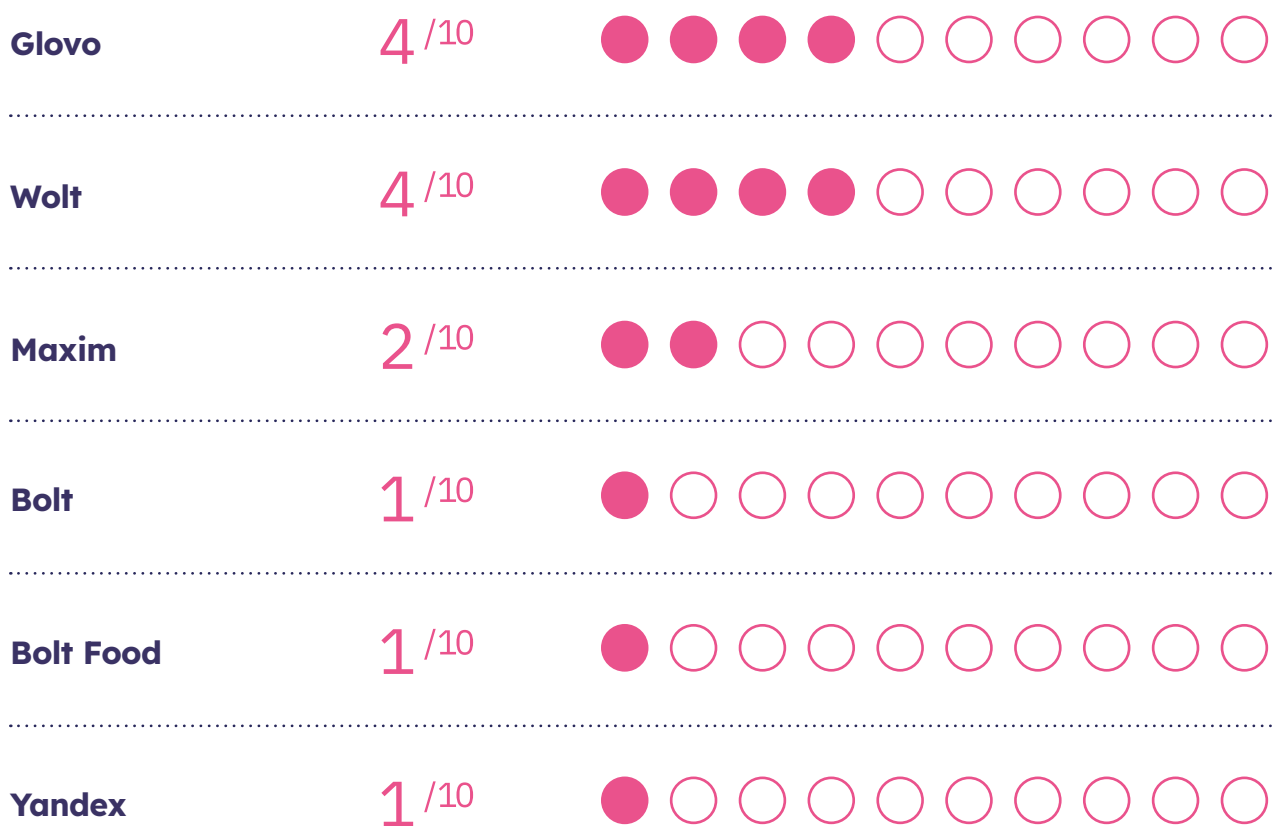
The Supreme Court of Georgia, in its endeavor to differentiate between employment and labor contracts, has established various criteria beyond the principle of subordination. These criteria, such as the transfer of working tools, determination of working hours and/or duties, and the prohibition of working for a competing company, serve as tangible markers to clarify the nature of the contractual relationship. It is evident, however, that the Supreme Court has not limited itself to a strict and exhaustive list of criteria. Instead, it opts for a holistic approach that considers various factual circumstances unique to each case. This flexibility allows for a nuanced understanding of diverse and evolving work relationships.

In the context of platform work, this approach means that courts in Georgia are likely to consider the actual working conditions and dynamics rather than just the terms written in contracts. It suggests that platform workers may have a better chance of receiving fair treatment and the rights entitled to traditional employees, as the courts aim to understand the essence of the work relationship beyond formal agreements. This could be seen as a positive development for platform workers seeking recognition and protection under the law.



Fairwork Georgia Scores 2023

Minimum standards
of fair work



THE BREAKDOWN OF SCORES FOR INDIVIDUAL
PLATFORMS IS AVAILABLE AT

WWW.FAIR.WORK/GEORGIA

Explaining the scores



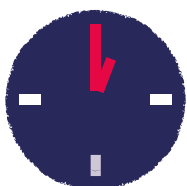
Fair Pay

Platforms that ensure workers are paid at least the local minimum wage after work-related expenses are subtracted from workers' earnings can meet this threshold.

All platforms were awarded a point for paying at least the minimum wage, since the current existing minimum wage on the books is from 1999 and has not been updated since.

None of the platforms could provide evidence that they paid a living wage of 1770 GEL(\$650) a month for all workers (the living wage estimation for 2022 from Wageindicator.org).

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



Fair Conditions

Platforms that show that they have measures and processes in place to mitigate task-specific risks can meet this point.

Glovo and Wolt both provided evidence for free safety training provided for its workers, but only Glovo provided enough evidence that it also provides essential safety gear to its workers at no additional cost and was therefore awarded a point.

No platform could be awarded the second point for fair conditions. While Glovo and Wolt both provide their workers with an accident insurance package and Glovo even provides paid sick and parental leave as part of their Couriers' Pledge, none of the platforms in the sample could provide evidence that pay is not structured in a way that incentivizes workers to take excessive levels of risk, often in the form of piece-rate systems and bonus payments depending on the number of deliveries in a certain timeframe.

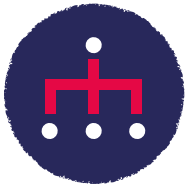


Fair Contracts

For platforms to meet this point, they must demonstrate that the contract or terms and conditions are clear, accessible to all workers and under Georgian law. In addition, the platform needs to have a data privacy policy in place.

Only three platforms – Glovo, Maxim and Wolt – could be awarded the first point for fair contracts.

Unfortunately, no platform could be awarded a point for the second threshold because there was not enough evidence that workers are notified of changes within a reasonable timeframe, that the contract/terms and conditions don't include clauses which exclude liability for negligence or unreasonably exempt the platform from liability for working conditions, and that the data collected and calculations used for dynamic pricing are transparent and documented in a form available to workers.



Fair Management

To meet this point, platforms must demonstrate that workers are not arbitrarily deactivated, and that there is an avenue for workers to meaningfully appeal disciplinary actions and communicate with a representative of the platform. For the second threshold, platforms must evidence that they have processes and practices in place to prevent discrimination and promote diversity, inclusivity and equality in their business practices.

Communication is particularly crucial when lone working. Two platforms – Glovo and Wolt – could evidence systems of effective communication channels and appeals processes.

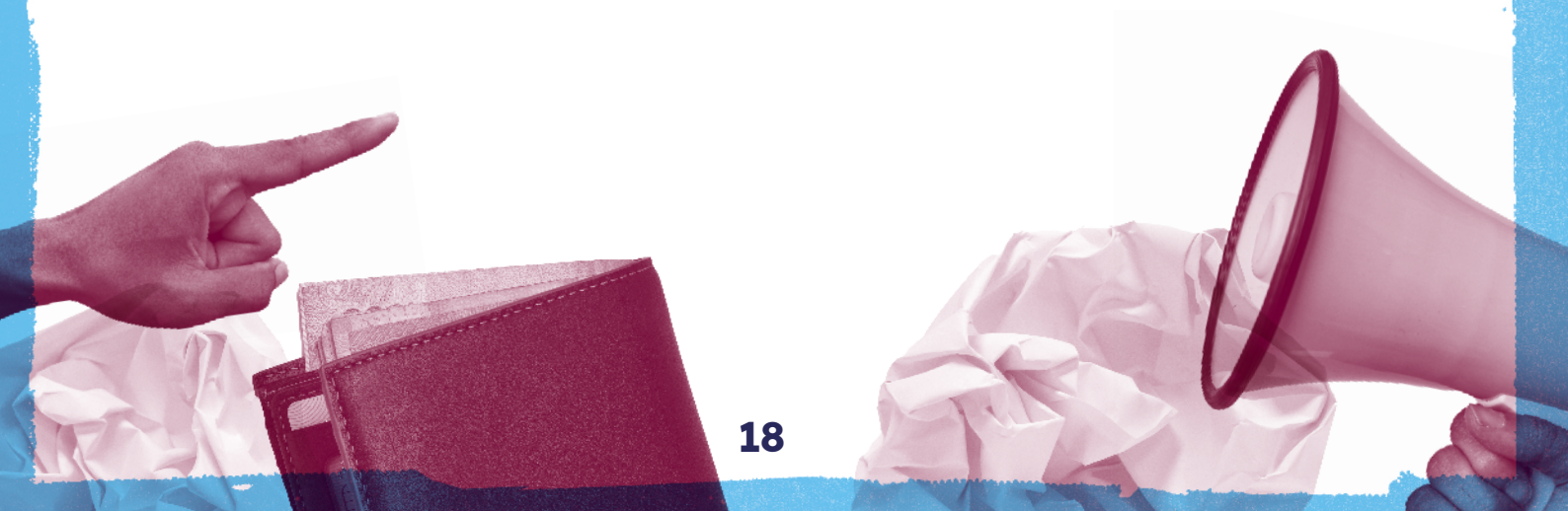
Only Wolt was awarded the second point, by providing evidence of an anti-discrimination policy, additional measures to promote inclusivity and diversity, and for not implementing potentially discriminatory rating systems.



Fair Representation

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

None of the platforms could be awarded this point.



PLATFORM IN FOCUS

Wolt





















Wolt has been active in Georgia since 2018 and is currently broadening its presence in the Georgian market. Wolt claims a network of over 7,000 courier partners spread across five cities.¹⁰

Wolt earned one point for adhering to the minimum wage requirements of the outdated national legislation. While some Wolt workers enjoy a living wage, we could not find evidence that this is universal among their workforce.

Wolt also offers effective communication channels to its workforce, and workers can appeal to disciplinary actions via the app and email. Furthermore, Wolt stands out by providing a map of toilets for platform workers, underscoring a commitment to their well-being and gender

inclusivity.¹¹ Anti-discrimination policies further highlight the platform's dedication to fostering an inclusive and equitable work environment.

However, during the couriers' strike in 2023, Wolt faced challenges. The company declined the couriers' request for a collective meeting, opting instead to engage with only a limited number of striking couriers. This event raises questions about the company's approach to dialogue and negotiation in response to workers' concerns¹².

Principle	First point	Second point	Total
 Principle 1: Fair Pay	 Ensures workers earn at least the local minimum wage after costs	 Ensures workers earn at least a local living wage after costs	 1
 Principle 2: Fair Conditions	 Mitigates task-specific risks	 Ensures safe working conditions and a safety net	
 Principle 3: Fair Contracts	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	 1
 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	

Wolt's Total Score



PLATFORM IN FOCUS

Glovo





















With a network featuring over 3,000 partner couriers, Glovo was established as “Glovoapp Georgia” in 2018. The company is now wholly owned by the Spanish entity “Glovoapp23.”

As a key player in the delivery service sector, Glovo Georgia observed a significant 64% increase in e-commerce turnover in 2022. This growth not only cements its market standing but also demonstrates its adaptability to meet the evolving needs of customers throughout Georgia.

Glovo received a score of 4/10. While it adheres to minimum wage standards, the research team could not evidence that Glovo provides a living wage for all its platform workers.

Notably, as part of its global “Courier Pledge” initiative, Glovo places emphasis on worker safety by providing free safety gear (including helmets) and safety training to its platform workers. Glovo also provides an insurance package covering accidents, paid sick leave, parental leave, and third-party liabilities as part of this initiative.

Glovo also provides easy-to-access communication channels for workers to appeal disciplinary decisions.

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

Glovo's Total Score



Workers' Stories

Dato* Dato's main gig was for a ride-hailing platform after learning about it online. Initially, he managed a factory, a job he found safer and more interesting, but unfortunately, it shut down.

He thinks the platform support system is sluggish, and he puts in long hours—10 to 12 hours a day. Despite trying to get two days off, he has been working every day lately. Around 50-70% of the time, he waits without getting paid much, as the base fee is quite low.

His pay is based on his previous week's earnings, and the more he works, the more he earns. Tips make a significant difference. Overall, his take-home pay per week usually ranges from 400 to 700 GEL (\$150-260). There have been efforts to improve timely payments from the platform.

Communication to courier support the platform offers is always delayed. Management has improved somewhat, but he doubts they'd care much if there were a strike, given the surplus of people willing to work. This platform isn't his favourite; the order volume is low, and he still doesn't know where their office is. He doesn't plan to stick around for too long and is eyeing other opportunities.

Giorgi* Hailing from Kartli, from the provinces, Giorgi is a technical college graduate who's been in the workforce for four years. Having tried his hand at every platform both ride-hailing and delivery, he now dedicates six days a week to one delivery platform.

He discovered this platform through Facebook and found that it offers slightly higher wages compared to his previous gig on another platform.

He finds himself working from 9 am to 12 am every day. Only allowing himself one day off, he often waits around from 12 to 6 pm without getting paid—an unjust situation in his eyes. With a base pay of 3 GEL and varying fees each day, he makes around 300-500 (\$110-185) GEL per week.

Unimpressed with the platform's support system – within app and email, he deems it useless and opts not to use it. Even in emergencies, reaching out via email results in a four-hour delay, making it seem pointless. Incidents like accidents, which occur frequently, leave him to deal with spoiled food, and the company shows little concern.

Lacking a collective or union, Giorgi thinks the company's focus appears solely on its interests rather than the welfare of couriers. There have been instances where the platform just blocked people who spoke up, adding to the frustration. While he acknowledges that it's not a great job, limited options leave him without better alternatives. His desire is to move away from platform work, finding something else as the physical toll becomes increasingly challenging.

In an ideal scenario, he dreams of having a business where he can provide employees with good wages and escape the grind of working for platforms.

***Names changed to protect worker's identity**

THEME IN FOCUS

Worker Action

In response to the challenges faced, platform workers in Georgia have taken various actions since 2021, from work stoppages to strikes, to address the shortcomings within the platform-operating landscape.¹⁴ There is a prevailing perception among interviewees that all the platforms we surveyed for this report lack substantial initiatives to tackle the multifaceted issues raised by their workers. Despite some minor measures such as splitting heavy orders or adding small bonuses for specific conditions, these actions are seen by many of our interviewees as insufficient to address broader concerns related to safety, difficult passenger interactions, and stress induced by traffic.

The responsiveness and accountability of these platforms have been called into question by drivers and couriers we interviewed who report a sense of inadequate addressing of their issues gathered from our data. Communication with platform support teams is often described by workers as unhelpful or ineffective, leaving workers to navigate challenges on their own. The overarching perception among workers we have interviewed is that platforms prioritize swift order delivery over addressing the broader and more pressing issues they encounter in their day-to-day work.

Workers we interviewed often find themselves compelled to take risks, including violating traffic rules to meet job demands of timeliness and have enough deliveries to secure their income. These risks, sometimes unintentional, arise from the pressure to fulfill orders promptly or due to discrepancies in navigation directions. The urgency to complete orders within tight timeframes may even incentivize breaking rules to meet bonus campaigns and deliver more orders in less time. This pressure to meet

demands and secure an income impels the workers to take risks that, while understandable in the context of job demands, can compromise safety considerations, with the urgency of order delivery often overshadowing safety concerns.

The toll of the platform economy on the physical and mental health of workers is evident. Couriers frequently reported to us stress stemming from factors such as traffic, demanding delivery schedules, and customer interactions. Physical health issues are prevalent among the people we interviewed, including chronic back and knee pain that they attributed to prolonged periods of sitting and carrying heavy loads. Exposure to adverse weather conditions further compounds health problems, contributing to flu and other ailments. The overall consensus among workers we interviewed is that the work is physically and mentally taxing, with detrimental effects on their well-being.

Safety training, a crucial aspect of platform economy work, is reported by workers to be generally lacking or minimal. Most couriers mentioned to us not receiving any safety training before starting their jobs, or relying on instructional videos or brief online sessions focused on app usage and passenger interactions. While some of the platforms we assessed in this report mention the availability of safety training, attendance is often optional, placing the primary responsibility for safety concerns on the drivers themselves. This lack of formal training raises concerns about safety practices within the platform economy.

Payment completeness, a critical aspect of workers' experiences, varies among drivers. Some of those interviewed report occasional discrepancies and incomplete payments, leading to follow-ups with the platform support team for resolution. They also raised concerns about the accuracy of earning calculations.

There have been many work stoppages, pickets, strikes and protests in Georgia. Platform workers aren't afraid to voice their grievances publicly and continue to do so!

THERE HAVE BEEN MANY WORK STOPPAGES, PICKETS, STRIKES AND PROTESTS IN GEORGIA.



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 platform agreed to implement changes to their policies or practices:

Fair Management

Wolt compiled a list of toilets for their workers as part of their efforts to provide support to their workers, and to make sure women couriers were not being discriminated against and had access to hygienic conditions.¹⁵



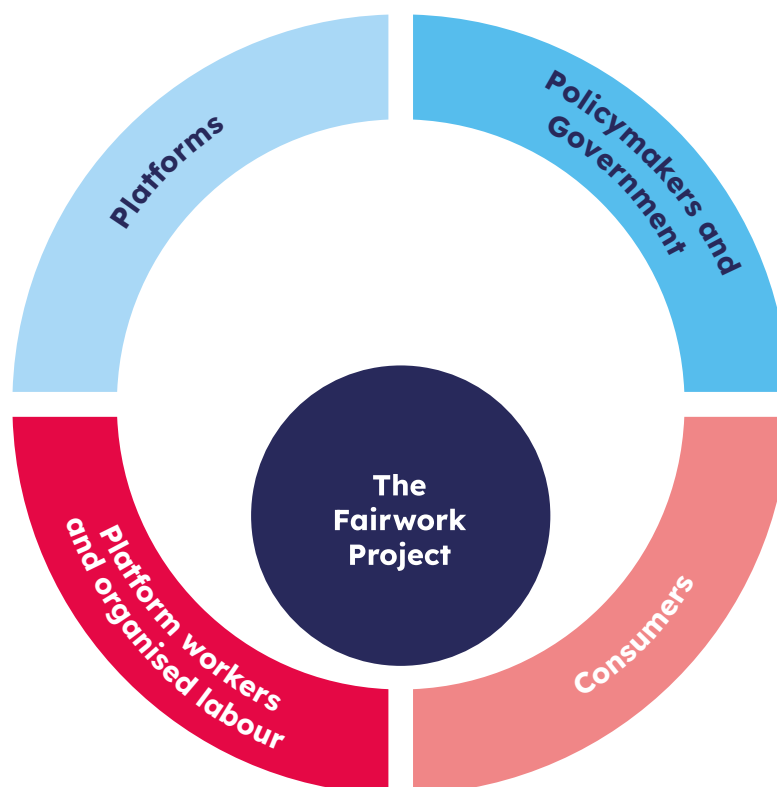
Pathways of Change

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

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

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

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 Georgia. Platforms such as Glovo and Wolt have demonstrated awareness of our research and a keen interest in improving their scores. Notably, they actively participated in this process by furnishing detailed information about policy changes and evidence showcasing positive impacts on workers.

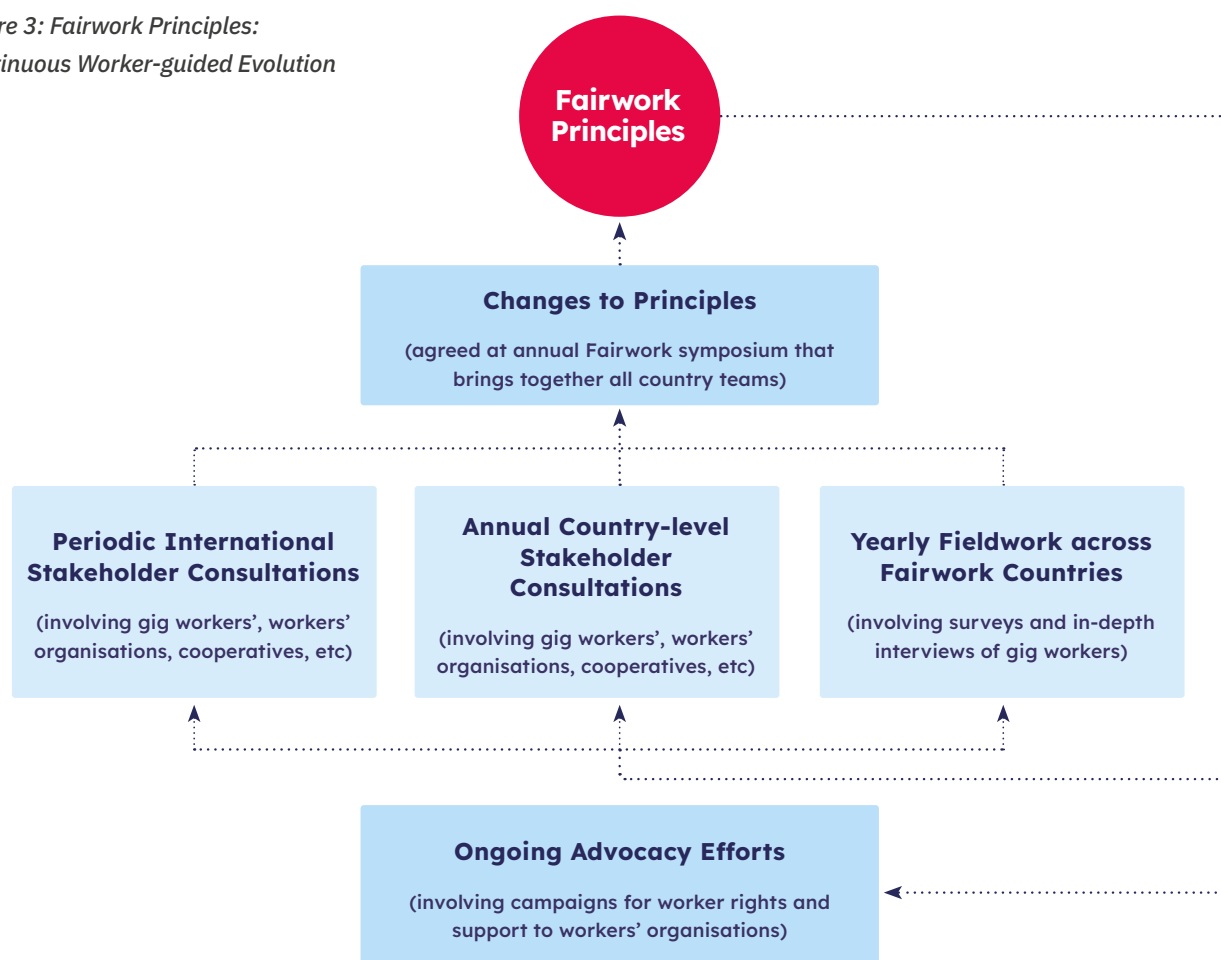
In tandem, we collaborate with policymakers and government entities to advocate for the extension of appropriate legal protections to all platform workers in Georgia, irrespective of their legal classification. Over the past year, Fairwork has initiated dialogues with key stakeholders, including the Labor Inspectorate and Deputy Minister from the Ministry of Labor.

Most significantly, the heart of Fairwork's model centres on workers and their organizations. Firstly, our principles are not static; they have been developed and continuously refined through close consultations with workers and their representatives (see Figure 3). The evolution of Fairwork

principles is driven by fieldwork data and insights gathered through workshops and consultations involving workers, ensuring alignment with their evolving needs. Secondly, we actively seek input from unions and labor organizations leading worker organizing efforts in digital labor platforms. This collaborative approach ensures that our scores accurately reflect the priorities and perspectives of workers.

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 better labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example, by committing to using better-rated platforms where there is a choice.

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

FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”¹⁶. 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”¹⁷. 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 models¹⁸.

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

Fairwork distinguishes between two types of these platforms. The first, is ‘location-based’ 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 months between November 2022 and November 2023, and are valid until November 2024.

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	 Provides a safety net	 2
 Principle 3: Fair Contracts	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	 2
 Principle 4: Fair Management	 Provides due process for decisions affecting workers	 Provides equity in the management process	 2
 Principle 5: Fair Representation	 Assures freedom of association and the expression of collective worker voice	 Supports democratic governance	 2

Maximum possible Fairwork Score



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 vehicle¹⁹. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage²⁰. 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 hours²¹. 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 costs²².

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^{23 24}.

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 risks²⁵.

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 risks²⁶. 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 workers²⁷. 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 interface²⁸.
- 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 status²⁹.
- 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 mechanism³⁰ 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 interface³¹.
- 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 representation³².

5.2 - Supports democratic governance (one additional point)

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

The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation³³.

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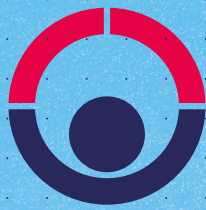


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ENDNOTES

- Order splitting involves dividing substantial and weighty orders among multiple couriers rather than assigning the entire load to a single courier for delivery.
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- https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Publications/Digital%20Development%20Country%20Profiles/Archives/Digital%20Development%20Country%20Profile_Georgia_29.10.21.pdf
- <https://www.geostat.ge/en/modules/categories/683/Employment-Unemployment>
- მინიმალური ხელფასის ოდენობის შესახებ | სსიპ "საქართველოს საკანონმდებლო მაცნე" (matsne.gov.ge)
- Draft Law of Georgia "On the Amount of Minimum Wage" (No. 07-3/416; 06.11.2019) Beka Natsvlishvili, Giorgi Lomia, Irma Inashvili, Ada Marchania, Gia Zhorjoliani, Emzar Kvitsiani, Mirian Tsiklauri and others. Available at: <https://parliament.ge/legislation/find-legislation>
- საქართველოს სტატისტიკის ეროვნული სააგენტოს ვებ-გვერდი, საქსტატი სამუშაო ძალის სტატისტიკაში შრომის საერთაშორისო ორგანიზაციის ახალ სტანდარტებს ნერგავს (geostat.ge). ხელმისაწვდომია: <https://www.geostat.ge/ka/single-news/2006/sakstati-samushao-dzalis-statistikashi-shromis-saertashoriso-organizatsiisakhal-standartebs-nerg>
- საქართველოს შრომის სამართალი და საერთაშორისო შრომის სტანდარტები (ilo.org) also: Decision of the Supreme Court of Georgia on the case: No. ახ-808-2021
- „ორსულობის, მშობიარობისა და ბავშვის მოვლის, ასევე ახალშობილის შევლადა აყვანის გამო შევებულებების ანაზღაურების წესის“ დამტკიცების თაობაზე | სსიპ "საქართველოს საკანონმდებლო მაცნე" (matsne.gov.ge)
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- 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.
- 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.
- 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.
- 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.
- Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
- 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.
- 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."
- 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."
- 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.
- 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.
- In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
- 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.
- 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."
- 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.
- If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers' queries to its communication with the existing representative body.



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