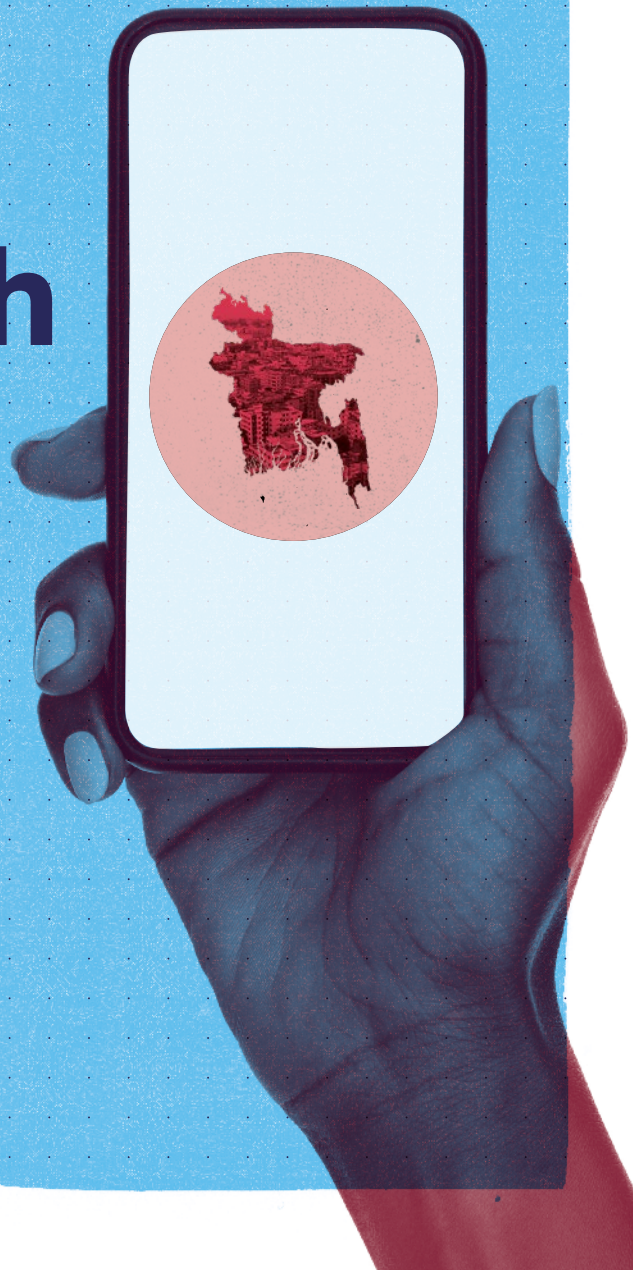


Fairwork

IS IT TIME FOR A

REGULATORY FRAMEWORK?

Fairwork Bangladesh Ratings 2023



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Executive Summary

This third Fairwork Bangladesh report identifies reasonable improvements in platforms' responsiveness towards workers' needs and demands since our previous report of 2022.

This year, 11 platforms were reviewed and scored. The league table shows an overall improvement in Fairwork scores compared to last year's. In 2022, the highest score was three out of ten, obtained by three platforms (Chaldal, HelloTask, and Sheba). This year, the highest score is five out of ten and one of the highest scorers is Sheba, a Bangladeshi platform providing home-based services primarily related to repair, maintenance, and beauty-care services. Sheba was awarded points for the principles of fair pay, contract management and representation. Another high scoring platform, Daraz, scored five out of ten through ensuring fair pay, condition, contract, and management. Daraz is one of the largest e-commerce platforms in Bangladesh and is included in the ratings for the first time.

There is a trend of reducing commission by ride-hailing platforms, from 30 per cent to 25 per cent, and for specific categories of vehicles (like motorcycles) to 15 per cent (7 per cent for trucks or pickups) or converting the commission system to a subscription model with a flat rate. This trend seems to have resulted from workers' resistance through strikes or workers bypassing platforms to connect with customers directly (khaep¹). Two platforms, Daraz and Chaldal, offer a monthly base pay and add a variable income component based on performance. The other platforms offer a pay against each successful completion of job. This phenomenon of variable income drives the workers to work long hours to earn close to a living wage equivalent income. Most platform workers we interviewed in Bangladesh earn far below the living wage. Therefore, none of the platforms were awarded a point for the Fair Pay principle. (Fair Pay). We also found that those earning a living wage work extra hours – up to double the standard working hours of around 208 hours a month.

Fairwork team identified at least 20 different challenges and risks workers mentioned in the interviews. The most

prominent risk was that workers had to bear liabilities of unintentional product damage (such as broken or dented packages) during delivery, or non-payment of delivered product or service (customers refusing to pay workers), and the security and safety of the vehicle.

Chaldal and Daraz stand out from other platforms in providing support when a platform worker faces health issues. Notably, the workers we interviewed said they received medical support, sick leave, and sometimes sick pay and financial support in case of sickness and accident. Besides these two platforms, Foodpanda, Pathao, and Uber have insurance policies for their workers. Sheba and HelloTask have been working towards introducing insurance for their workers, and Sheba evidenced having a compensation policy for its workers pending the introduction of an extensive insurance policy. Truck Lagbe is the only platform we found to have explicitly exempted itself from any liability arising from any damages or losses caused to the workers, including losses caused by accidents or injuries.

This year, we saw a slight improvement in communication channels and responsiveness to complaints, with the appointment of supervisors and area booths at almost all the platforms we scored, especially the delivery-focused platforms. In previous years, we found that platform workers communicated with the platform mainly through call centres.

In this year's report, we follow up on three phenomena—platform debt, intermediation, and khaep (bypassing the platform)—and find an association among them. The incidence of khaep increased significantly from last year, with 40 of the 113 interviewed workers mentioning their experience bypassing the platform. While last year the phenomenon was identified only among ride-hailing platform workers, this year, we found it among workers from

ride-hailing platforms, delivery platforms, and domestic service-providing platforms.

In terms of management of platform workers, this year's progress has been noted with the availability of multiple channels of communication, other than a call centre, for workers, with many workers we interviewed from eight of the platforms (Chaldal, Daraz, Delivery Tiger, Foodpanda, HelloTask, Obhai, Paperfly and Sheba) mentioning the existence of a supervisor or platform representative to attend to their concerns. For disciplinary actions such as suspension and deactivation, many platform workers reported platforms communicating their decisions to workers. Still, there is a need for further transparency in such communications. Information from worker interviews and desk research also noted progressive practices of platforms towards ensuring diversity and equity in the platforms, resulting in a point for three platforms (Daraz, HelloTask and Uber). This year, Sheba received two points for ensuring fair management principles, the first for a platform from Bangladesh.

This year, four platforms (Daraz, HelloTask, Sheba, and Uber) engaged with the Fairwork Bangladesh research team. The platform introduced and formalised fair policies of guaranteeing a fair minimum hourly wage and allowing collaborative association of workers.

Our study found five platforms (Daraz, Delivery Tiger, HelloTask, Paperfly and Sheba) that encouraged workers' collective voice. Following continued engagement with Fairwork Bangladesh, Sheba introduced a formal statement inviting workers to collectively engage with the platform for matters related to their work and the processes at Sheba. These platform responses represent an important milestone, given that it is the first time a Bangladeshi platform has received a point for Fairwork Principle 5 (Fair Representation).

Most of the workers we interviewed said that they do not play a role in shaping platform policies. However, the workers of ride-hailing platforms are relatively more organised, with at least three informal regional unions: the App-based Transport Union (previously the 'Dhaka Ride-sharing Drivers' Union'), the Shommilito Riders Drivers of Chattogram, and the Sylhet Riders' Club. In 2022, these regional unions formed a national association—the 'App-based Workers Federation of Bangladesh'—to represent

workers of any app-based platform. There are also multiple social media groups on Facebook, WhatsApp, and Telegram, where platform workers share their concerns and experiences about precarity and seek advice from one another. Foodpanda Rider is a public Facebook group with 38,000 members. Workers share screenshots of their incomes to cross-check the pricing patterns. According to the workers posting in the group, pricing variations between workers for the same number of deliveries demonstrate unfair algorithmic governance. Similar groups are available for Pathao and Uber ride-hailing workers, with workers tending to post videos and photos of pricing variations, accidents, and fines issued by traffic police. Workers from the other platforms also have informal groups; in some cases, platforms (Delivery Tiger, Foodpanda, HelloTask, and Sheba) have created these groups.

This year's study has found inconsistent platform policies and an absence of regulatory mechanisms. To improve the working conditions of platform workers in Bangladesh, we therefore propose a minimum viable policy agenda:

1. Recognise platform work in the labour law regardless of the employment type;
2. Ensure the minimum wage or wage equivalent income;
3. Ensure mandatory insurance coverage of work for injury, hospitalisation, and death to ensure platform workers' safety and protection;
4. Provide access to capital and loans, given that some platform work requires the purchase of equipment and gadgets;
5. Capacity building for managing occupational health and safety of the workers and
6. A policy covering a sub-sector-based approach (so platforms and regulators can acknowledge different working conditions between ride-hailing workers, food delivery workers, delivery workers, domestic workers and other groups of platform workers) to facilitate the diverse nature of work at various sub-sectors of platform economy like location-based platform work, online freelance cloud work, and e-commerce last mile delivery.

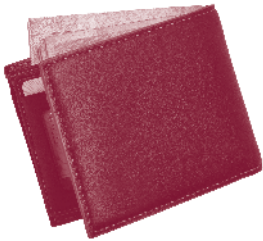
Concerning the first point, this report proposes a three-point agenda for relevant stakeholders in formalising the identity of platform workers in the legal framework of Bangladesh: firstly, a process of multi-stakeholder dialogue needs to begin; secondly, the Ministry of Labour and Employment and the ICT Division of the Government of Bangladesh need to work closely with platforms, civil society, and workers'

representatives to develop a policy framework; and lastly, the ILO Bangladesh to engage with relevant stakeholders and provide technical assistance in developing such a policy and regulatory framework.



Credit: Mahadi Al Rakib Mahi

Key Findings



FAIR PAY

- After deducting work-related expenses, platforms that ensure workers are paid at least the local minimum wage can meet this threshold.
- Out of 11 platforms, three – Daraz, HelloTask and Sheba – could evidence that workers' net standardised income (income adjusted for eight hours a day and six days a week working hours, and exclusion of work-related costs) was at least the minimum wage of BDT 8,000² (USD 72.72) a month. Daraz issues an employment contract that offers a basic monthly pay of BDT 8,500 (USD 77.27), excluding the per gig-based income and various bonuses (including attendance bonuses). HelloTask's pricing document ensures the minimum wage for working standard working hours. On the other hand, Sheba received a point after the management introduced a policy guaranteeing a minimum hourly wage of BDT 90 (USD 0.82), where the hourly equivalent of minimum wage is around BDT 40 (USD 0.36), and ensuring a separation of payment allocation and disbursement between workers and the business managers (sub-contractors).
- When assessing minimum wage, the scores considered the amount paid to the worker for hours worked, 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, fuel, mobile data, food, vehicle maintenance, commission, and any insurance costs.
- Regarding the living wage, Fairwork was unable to verify that any of the platforms could ensure workers earn at least the local living wage in Bangladesh (Dhaka and Chattogram), after costs, calculated to be BDT 23,254 (USD 211.40) a month³ for both cities. While the legal framework of Bangladesh has yet to set a minimum wage for digital labour platforms, the economic conditions of the last few years have only increased the burden on workers. Unless platforms guarantee a living wage, the responsibility of earning living wages will continue to be on workers; our research has found that several workers need to put in excessive working hours to meet their living expenses.



FAIR CONDITIONS

- Platforms that mitigate workers' task-specific risks can meet this point.
- Three (Daraz, Pathao, and HelloTask) out of 11 platforms were awarded a point for the Fair Conditions principle. Daraz provided workers with necessary safety equipment (raincoats, helmets, vehicle, vehicle locks), facilities (hub office, call centre, emergency support) and safety-related training, paid for by the platform, to protect them against task-specific risks and the risks of working alone. Like Daraz and Pathao, HelloTask provides onboarding training and a monetary incentive to motivate its workers to take the training seriously. For safety-related awareness building, Sheba has frequently made its workers aware of occupational safety by sharing relevant content and messages in their Telegram groups.
- In terms of ensuring safe working conditions and a social safety net for workers, we found only Daraz complied with all the criteria. The research found evidence of Chaldal, Paperfly, and Sheba offering compensation or medical or financial support for work-related accidents and Foodpanda, Pathao, and Uber offering health insurance policies to their workers. However, there was insufficient evidence of these platforms providing necessary equipment and training to the workers for work-related risks or compensating the workers for the loss of per gig-based income due to absence resulting from sickness for a few days. In terms of implementing progressive practices, Sheba and HelloTask confirmed to Fairwork Bangladesh that they would soon introduce insurance policies for their workers, which they plan to implement by next year. Only Daraz could be evidenced to meet the thresholds of this principle, with its insurance, paid sick leave policies, and safety and security measures for its riders.



FAIR CONTRACTS

- For platforms to meet this point, they must demonstrate that the contract or terms and conditions are clear, transparent, and accessible to all workers.
- Four of 11 platforms – Chaldal, Daraz, HelloTask, and Sheba – were awarded a point for fair contracts. Evidence was found that these platforms ensure workers' contracts (Daraz), terms and conditions (Chaldal, Sheba), and agreement based on oral consent (HelloTask) are accessible and subject to Bangladesh law, and the platforms also had data protection and management policies. The other platforms assessed were found to provide some documentation or verbal understanding of terms related to working on the platform, before onboarding a worker. However, with a lack of publicly available evidence on proof of accessibility of the contract or terms and conditions (both in terms of understandability and availability) or compliance with the local legal framework, those platforms could not be awarded a point.
- None of the platforms were awarded the second point for the Fair Contract principle. While evidence was found for all 11 platforms that they notified workers about any

changes in the contract or terms and conditions, the contracts or terms we could assess revealed that the share of liability between platforms and workers remained ambiguous or skewed towards the platforms' benefit. The platforms must present sufficient evidence to ensure fair working terms for the workers without imposing unreasonable liability to be awarded a point under this principle.



FAIR MANAGEMENT

- Platforms must demonstrate that they provide due process for decisions affecting workers, meaning they do not arbitrarily deactivate workers and that there is an established avenue for workers to meaningfully appeal disciplinary actions or communicate with a human representative of the platform to solve problems.
- Four out of 11 platforms (Daraz, HelloTask, Sheba, and Uber) could evidence the documentation and availability of such channels and practices, even though all the platforms assessed this year had some form of communication channels available for the workers (call centres, human representatives, or agent offices). These four platforms also evidenced a process for workers to appeal against platform decisions or disciplinary actions. Instances were also found where workers could communicate with the platforms after deactivation or disciplinary actions. Daraz, HelloTask, Sheba, and Uber received a point under this principle.
- For the second point, out of 11 platforms, only Sheba demonstrated equity in managing the workers, with clear anti-discrimination policies, which remove barriers for disadvantaged groups (such as women and people with disabilities) to access or continue working for the platform. Only Sheba could evidence meeting all the criteria for this sub-point. In terms of the distribution of work through a systematic procedure (typically algorithmic), Chaldal, Daraz and Paperfly also had appeals processes that involved the help of human representatives, rather than machines.



FAIR REPRESENTATION

- Platforms should assure freedom of association and the expression of collective worker voice to score a point under this principle.
- One out of 11 platforms, Sheba, could provide evidence to score a point. HelloTask proactively facilitated collective association by helping workers from selected areas to create groups and appoint a leader. Sheba could provide evidence of facilitating various events with workers and inviting them to share their thoughts about the platform. This year, Sheba formalised its practice of encouraging, recognising, and engaging with collective worker voice by introducing a formal statement in their terms and conditions. It has policies and mechanisms ensuring that it does not restrict workers' collective association. With this, Sheba is the first and only platform in Bangladesh to have scored a point for this principle.
- None of the platforms could be awarded a point for the second threshold of this principle.

Towards a Policy and Legal Framework for Digital Labourers: The 2023 Bangladesh Report

This Fairwork Bangladesh report is the third since 2021. It sets the stage for a necessary gear change in Bangladesh: launching a discussion around a policy and regulatory framework for platform workers. The Fairwork Bangladesh team's engagement with stakeholders has raised awareness among stakeholders about the issues relating to digital labour.

This growing awareness recognises that the State must address digital labour as a policy issue. This recognition emerges from the debate on platform workers' employment status, whether they are 'employees' or 'independent contractors'. It is clear that platform workers should not be classified as independent contractors, as they sign in on the platform and are bound by the platform's terms, limiting their flexibility to set targets, refuse particular gigs, and take leave without losing their standing at the platform.

On the other hand, the platform-based business models that do not recognise their workers as employees transfer

their significant part of the fixed cost to the workers, where the fixed costs might include expenses for availing vehicle, safety gear, and smartphone to work, acquiring new skills (digital literacy, including digital financial literacy), etc. As a result, workers are often deprived of a decent income and short-term (health coverage, insurance) and long-term (gratuity, pension) protection. Moreover, deteriorating mental well-being is emerging as a significant concern.

While most platforms' relationships treat workers as independent contractors, we found that some platforms have a mixed arrangement, with some workers being treated as employees with a monthly salary. While such

agreements ensure a minimum level of protection, such as paid leave days and insurance, the overall terms and conditions of employment are still similar to all workers, regardless of their employment type.

The first policy action point we recommend is the amendment of the labour code and the recognition and inclusion of 'digital labour' as a labour category through a collaborative approach led by the Ministry of Labour and Employment and the ICT Division. This inclusion would create a legal obligation for platforms to reconsider their responsibilities to ensure a fair workplace and workers' protection.

The nature of the working relationship between employers and workers is evolving globally due to technology's growing integration into work life. Recognition of digital labour as a category will ensure workers' rights through fair terms and conditions similar to the traditional formal labour relationship and work protection. Assured and fixed monthly income, entitlements like gratuity, pension, health coverage, insurance, and leave must become part

of workers' rights in this new digital platform-based labour relationship, regardless of one's employment nature, whether full-time, part-time, or gig-based.

The Fairwork ratings show how platforms can be responsive to fair labour standards. Our Fairwork research in Bangladesh shows that some aspects of working conditions have been moving in a positive direction, with the assessed platforms obtaining higher scores than in previous years. The primary force of any positive change in labour relationships will be the platforms' proactive initiatives to improve workers' lives, the presence of worker collective bargaining, and the government's enforcement of a policy and regulatory framework. The research undertaken by Fairwork can feed these efforts with facts and suggest pathways to a better work-life balance for platform workers



Credit: Mahadi Al Rakib Mahi

En Route to 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

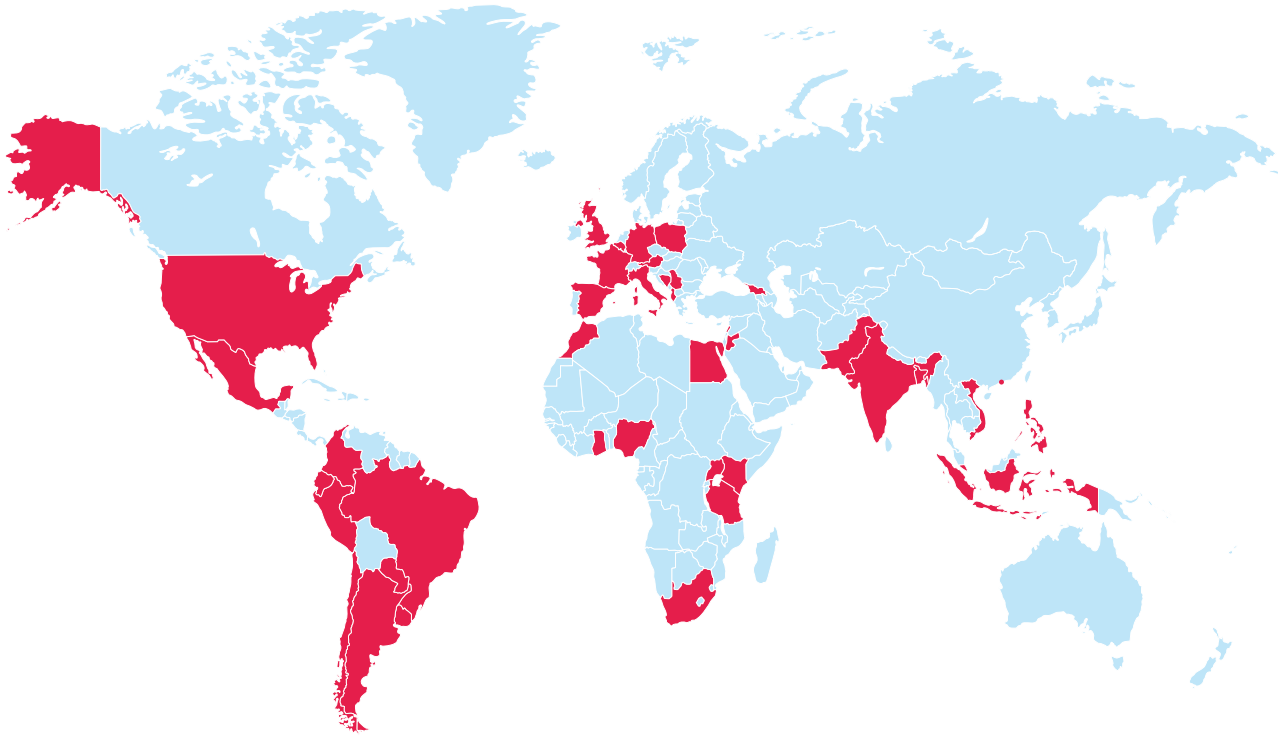


Figure 1. Map of Fairwork countries.

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 Bangladesh context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.

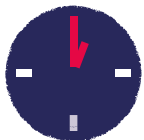
STEP 1

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 the 2023 ratings, this included, in addition to our tried and tested participant recruitment methods, snowballing from prior interviews and visiting busy city areas or hub offices of platforms. In all these strategies, informed consent was established, with interviews conducted both in person and online. Interviews took place with workers from two divisional cities of Bangladesh: Dhaka and Chattogram. 2023 is the first year workers from Chattogram were interviewed for most platforms, as platform work has been gaining significant traction in this city, considering its population and importance as a divisional and port city of Bangladesh. Due to the absence or lack of an effective operational footprint of HelloTask, Sheba and Truck Lagbe in Chattogram, all the workers interviewed from these three platforms were from Dhaka.

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 Bangla.

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.



BACKGROUND

Digital Labour Platforms in Bangladesh

In Bangladesh, 85.1 per cent of the employed population is employed in the informal economy,⁴ contributing around 43 per cent of Bangladesh's GDP. Bangladesh's platform economy has grown exponentially in the last decade,⁵ with expanding global and home-grown digital platforms, such as, Daraz Pathao, and Uber (Figure 2).

Bangladesh is estimated to become the 24th largest economy in the world by 2030 due to its substantial contribution to the platform economy.⁶ According to a study by the Policy Research Institute (PRI) of Bangladesh, since 2016, the ride-sharing business of the platform economy in Dhaka city has generated BDT 22 billion (USD 200 million).⁷ A demographic dividend is also adding to the economy's growth. Around 48 per cent of the country's population is aged between 20 and 54,⁸ which includes a vast pool of individuals equipped with digital literacy and connectivity.

Significant factors in the emergence and growth of the platform economy in Bangladesh are the growth of digital infrastructure, availability of internet connectivity across the country, significant domestic and foreign investment, and access to affordable smartphones by customers and platform workers. Another factor is that the growth of digital financial services has brought convenience to customers and platforms. The Fairwork Bangladesh Ratings 2023 reflects the platform economy's emerging nature, scoring 11 digital platforms, including leading digital commerce platforms from different sectors.

*Figure 2. A Glimpse of the Platform Economy in Bangladesh
(Credit: Mahadi Al Rakib Mahi)*



Credit: Mahadi Al Rakib Mahi

Fairwork Bangladesh Scores 2023

Minimum standards
of fair work

Daraz	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
Sheba	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
HelloTask	4 /10	● ● ● ● ○ ○ ○ ○ ○ ○
Chaldal	1 /10	● ○ ○ ○ ○ ○ ○ ○ ○ ○
Pathao	1 /10	● ○ ○ ○ ○ ○ ○ ○ ○ ○
Uber	1 /10	● ○ ○ ○ ○ ○ ○ ○ ○ ○
Delivery Tiger	- /10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Foodpanda	- /10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Obhai	- /10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Paperfly	- /10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Truck Lagbe	- /10	○ ○ ○ ○ ○ ○ ○ ○ ○ ○

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

WWW.FAIR.WORK/BANGLADESH

Explaining the scores



Fair Pay

After deducting work-related expenses from workers' earnings, platforms that ensure workers are paid at least the local minimum wage can meet this threshold. Only three (Daraz, HelloTask and Sheba) of the 11 platforms assessed could ensure this.

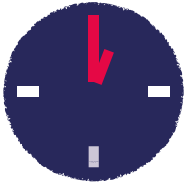
Out of the 113 workers interviewed from different platforms, the study assessed 20 workers to have a net standardised⁹ income lower than the minimum wage threshold of BDT 8,000 (USD 72.72) a month. On the brighter side, this year, all workers interviewed from four platforms (Daraz, HelloTask, Pathao, and Sheba) had a net standardised income exceeding the minimum wage threshold. Of these four platforms, Daraz, HelloTask and Sheba had a formal policy or document ensuring minimum wage equivalent income after work-related costs.

None of the platforms could provide evidence of ensuring the local living wage after meeting work-related costs. From the worker interviews, we identified instances of negative net standardised income (where work-related expenses exceed net income) for 7 workers (out of 113) and 4 (out of 7) of them rented vehicles for their work.

Workers also reported that insufficient availability of work

(job supply) was a concern. As a result, many of them access more than one platform (10 out of 113 workers we spoke to did multi-apping) or worked directly with customers, bypassing the platform (40 out of 113 workers we spoke to were doing khaep). The low pay level may be partially attributed to the significant amount of time workers spend on unpaid work, such as looking for tasks, maintenance of equipment and vehicles, travelling from one job to another, and delays resulting from the customer or third-party businesses (restaurant owners, merchants, etc.). Platforms' business model and work distribution and payment structures of the algorithm the platforms follow could be the other reasons for these low levels of pay and job supply. Considering such variability factors, we standardised monthly income for 208 working hours per month. A pro-worker algorithmic strategy is an immediate requirement currently missing in all platforms.

Almost all the workers we spoke to reported that they were paid on time. All Daraz, Foodpanda, HelloTask, Paperfly, Pathao, Sheba, Truck Lagbe and Uber workers confirmed they received full payment on time. Most interviewed workers received payment on time and in full for the other three platforms.



Fair Conditions

Platforms that mitigate workers’ task-specific risks can meet the first point. Only three platforms (Daraz, Pathao, and HelloTask) met this point. For the second point, only one platform (Daraz) could ensure safe working conditions and a social safety net for the workers and provided relevant evidence.

The working conditions for platform workers remain a significant concern in 2023, as they have been since the 2021 report, despite some marginal improvements, such as adoption of insurance policies by more platforms. Some workers reported that they had to bear liabilities of unintentional product damage (such as broken or dented packages) during delivery or non-payment of delivered product or service (customers refusing to pay workers) and the security and safety of the vehicle.

Daraz and Sheba shared their evidence on mitigating workers’ financial liabilities and risks arising from

unintentional damage of products or customers’ refusal to pay workers. These platforms also investigate such matters if such instances are reported to the platform. Both platforms also have mechanisms (workers were instructed to carry delivery bags all the time and collect bills from customers) in place to avoid such occurrences.

Table 1 presents the challenges and risks of the workers we interviewed for this report. Each cell’s shades represent the frequency of workers mentioning that particular challenge and risk during the worker interview. With the highest frequency (darkest shade), the most critical challenges and risks identified by the workers are the risk of accidents and challenges due to traffic. Risks arising from customers’ false complaints against workers, risks to workers’ safety and security, and physical exhaustion fall in the second highest frequency. Similarly, with the lower frequency levels, the shades are lighter.

*Table 1 Challenge and Risk Matrix:
Number of Interviewees Reporting a Challenge (n=102)*

Risk of Accident (81 out of 113)	Traffic (62 out of 113)	Risk Arising from Customers’ False Complaints (46 out of 113)	Worker’s Safety and Security (44 out of 113)
Interaction with Third Party (32 out of 113)	Road Accident (33 out of 113)	Distance to Travel for Gig (35 out of 113)	Physical Exhaustion (42 out of 113)
App Usability (25 out of 113)	Security and Safety of Parcel or Vehicle (22 out of 113)	Theft and Robbery (21 out of 113)	Liability of Delivery Item Damage or Non-payment (11 out of 113)
Police Harassment (4 out of 113)	Weight of Parcel (5 out of 113)	Waiting for Parcel (8 out of 113)	Occupational Hazard and Health Risk (9 out of 113)

The HelloTask workers we interviewed did not report any challenges regarding safety and security. The workers received compensation from the platform for the time spent in safety-related training. Workers from other platforms reported significant concerns regarding the safety and security of working, accidents and health and occupational safety issues, theft of vehicles, robbery and mugging of merchandise.

Three platforms (Daraz, Pathao, and HelloTask) provided safety equipment and training to workers to mitigate work-related risks. Pathao and HelloTask conducted training during onboarding. Participation in such training was voluntary at Pathao. Daraz and Sheba provided evidence of training during onboarding and whenever required, and Sheba frequently communicated safety-related messages to the workers. For safety-related equipment, Daraz and Pathao provided equipment such as vehicles, locks, bags, helmets, etc., for their safety.

Chaldal and Daraz stand out from other platforms by providing health support to their workers (financial compensation for medical support, insurance coverage, paid sick leave). Workers interviewed from these platforms noted that they had received medical support, sick leave, in certain instances, sick pay, and financial support in case of sickness and accident. Foodpanda, Pathao, Sheba and Uber offered insurance or compensation to the workers for work-related accidents, injuries, or death; however, most interviewed workers were unaware of such policies. Similarly, Paperfly, during their discussion with Fairwork Bangladesh, mentioned a reimbursement practice for work-related accidents, and one worker said they received such support. HelloTask and Sheba are preparing to offer insurance to their workers. Truck Lagbe, on the other hand, exempts itself from any liability or damages caused to the worker due to work-related accidents. In terms of ensuring fair working conditions, only Daraz could meet all the criteria guaranteeing safe working conditions and a social safety net for the workers, resulting in being awarded two points under this principle.



Fair Contracts

Fair Contract principle requires platforms to have accessible, clear, fair, and transparent contracts or terms and conditions with the workers. For this principle, out of 11, four platforms (Chaldal, Daraz, HelloTask and Sheba) met the first point, and no platform met the criteria for the second point.

Most platform workers we interviewed for the report were unaware of the kind of contract they entered, whether a click on in-app or paper. Sheba met the criteria for the first point of the Fair Contract principle with detailed terms and conditions available on their application. Many workers could also recall signing a contract or accepting the terms and conditions for other platforms. However, the inconsistency in interviewed workers' responses indicated a lack of awareness about their contracts (only 29 of the 113 workers we interviewed said they had read and understood the terms). Except for HelloTask and Truck Lagbe, most interviewed workers could recall reading the terms and conditions in the Bangla language. HelloTask used Bangla's Interactive Voice Response (IVR) system to explain and

familiarise the workers with the terms and conditions. For Truck Lagbe, the desk research also suggests the platform has no Bangla contract for its workers.

The research team was able to see the contract, the terms and conditions, the registration documents and data protection policies of eight platforms: Chaldal, Daraz, Foodpanda, HelloTask, Pathao, Sheba, Truck Lagbe and Uber. The documents were not publicly available for many of these platforms and were collected through workers' interviews or platform engagement.

Chaldal and Daraz offer their workers employment contracts or registration documents, contrary to the reality that other platforms address their workers as independent contractors or partners. With providing the employee status, the payment structure of Chaldal and Daraz is mixed – part of the payment is fixed and monthly, which is called basic or base payment, and the other part is variable based on the number of successful task completions and the performance status of the worker. The recognition

by these platforms of their workers as ‘employees’ is a welcome development when it is a step towards recognising the platforms’ responsibilities towards ensuring a fair workplace and terms for the workers. Other platforms can explore similar pathways to ensure better employment relationships.

Based on the review of the contract, terms and conditions or registration documents, we assessed that the terms

and conditions of most platforms were not exhaustive of the workers’ rights, entitlements and benefits. In most cases, the focus of ‘terms and conditions’ focused on responsibility, liability, and penalty on the workers. For this, none of the platforms were awarded a point under the 3.2 sub-principle.

Table 2 Follow-up of Platform Phenomena)

A Follow-up of Emerging Platform Issues in Bangladesh

The first Bangladesh report from 2021 identified three interesting phenomena: platform debt (a situation when a platform worker’s monthly work-related costs exceed their earnings), intermediation (workers contracted to non-driving partners, fleet partners, sub-contractors, or businesses other than the platform) and khaep (arrangement between the rider and client to bypass the platform). Follow-up research on these phenomena confirms that there is an association between them.

Platform Debt

In 2023, we found three platforms with incidences of platform debt (negative net income): The Fairwork Bangladesh research team checked income and expense details twice to ensure data accuracy and re-interviewed workers where necessary. The study identified several factors for the continued existence of platform debt in Bangladesh:

- a. Many ride-hailers left their job as they could not survive the negative income phenomena for long. The 2022 report found an association between net negative income and working through an intermediary.
- b. Intermediation is no longer sustainable for both parties as it adds to the costs incurred, resulting in income lower than the overall work-related costs. There has been a rise in fuel costs for ride-hailing services and an increase in the cost of repair and maintenance. As intermediary drivers, these workers lack the power to monitor and control their work-related expenses, which was another reason for this phenomenon.

Intermediation

Notably, the prevalence of intermediaries has significantly reduced compared to the previous scoring period. Workers also reported, in previous years, the phenomenon of intermediaries was prevalent in ride-hailing platforms, however, it seems that intermediaries and platform workers no longer find it viable.

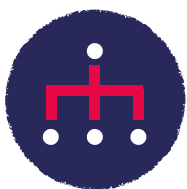
Some of the interviewed workers also reported that they had rented their vehicles from a third party and the cost of renting the vehicle added to their burden. As intermediary drivers, they lacked the power to monitor and have total control over work-related expenses, which was another reason for the platform debt phenomenon.

Khaep

This year, we found an increase in the khaep practice (an arrangement between the rider and client to bypass the platform) and overall expansion of the practice among all types of platform workers, in contrast to being limited to ride-hailers with bikes. Moreover, since 2022, the number of ride-hailers using motorcycles has increased in the cities. Khaep enables workers to keep their whole income to themselves without having to share commissions with the platforms, and the workers have more control over the price of the tasks performed. This phenomenon can challenge the platforms, as khaep finds its justification amongst workers as an anti-establishment form of resistance. Uber and Pathao have begun to pilot a subscription-based pricing model to encourage their workers to stay on the platforms.

Regarding the notification of contract updates and terms and conditions, there has been a relative improvement since 2021, when most platforms now have supervisors to notify the workers about a policy change. The platforms have also noted a reporting system before implementing a change.

In terms of transparency in payment calculation, worker interviews and desk research revealed that workers can see it on their apps or receive it from their supervisors, except for HelloTask. For HelloTask, the notification goes through the support centre because there is no app for the workers.



Fair Management

Platforms providing a due process for decisions affecting workers and ensuring equity in managing the workers can receive a score under this principle. Daraz, HelloTask, Sheba and Uber met the first point of this principle, as the platforms have multiple communication channels for workers (call centres, human representatives, or agent offices) and have a transparent process for workers to appeal against platform decisions, including deactivation. Of these four, only Sheba met the second point, with equity policies and practices ensuring the inclusion of individuals from disadvantaged groups (women and people with disabilities) to participate in the platform without discrimination.

The availability of communication channels and redressal of workers' issues also have seen relative improvement compared to the last two years. Our research found that most platforms offered multiple communication channels for the workers, starting from the availability of supervisors, customer care, and chat. Several workers confirmed the existence of multiple communication channels, indicating better awareness of workers of these platforms about such matters. 53 out of 113 workers we interviewed said they had interacted through these channels to resolve problems related to their work, application, payment, interaction with customers or other relevant parties, etc. 48 of these 53 found solutions to their problems through availing these channels. Overall, all the workers interviewed who had communicated through such channels emphasised the

importance of quicker responses.

Regarding suspension and deactivation, the overall experience of the workers we spoke to indicated the need for more transparency in communicating disciplinary actions taken by the platforms. Sheba follows a process of counselling the workers before taking disciplinary action, and the other platforms could follow similar methods. Regarding appealing of platform decisions, some interviewed workers shared their mixed experiences of successful and unsuccessful appeals. However, no workers we interviewed felt any negative impact for appealing against platform decisions. In spite of that, 22 out of 113 workers were apprehensive about communicating their grievances for fear that their actions might put them in a disadvantageous position.

We noted a lack of awareness amongst the workers we interviewed about the existence of anti-discriminatory policies on platforms. However, incidences of these workers feeling discriminated against were insignificant. While Daraz, HelloTask, Uber and Sheba have anti-discrimination policies and Foodpanda, Pathao, and Sheba evidenced inclusivity practices for disadvantaged worker groups (women, transgender, and people with disabilities), Sheba is the only platform ensuring all the criteria for being awarded the second point of this Fairwork principle.



Fair Representation

For the Fair Representation principle, platforms need to ensure freedom of association, and the expression of worker voice, as well as support practices of democratic governance. Only Sheba met the principle threshold and scored a point. Sheba ensured formal policies and procedures encouraging and allowing the collective and individual voice of the workers through different modalities of engagement such as office visits, Partners' Day, Meet the CEO, etc. The platform also welcomes worker-initiated meetings regarding its policies that affect them.

We found a general lack of awareness among the workers we interviewed about openness to collective voice and a need for the platforms to communicate their openness to the workers. The lack of awareness on the matter is noticed among interviewed workers from the other platforms as well.

All workers confirmed that no platform recognised the right to “unionisation of workers”. Through platform engagement, only Sheba formally acknowledged the freedom of collective association of the workers and added a provision on this in their terms and conditions.

Regarding workers being able to play a meaningful role in governing the policies that affect them, most of the workers interviewed (80 out of 113) mentioned that they do not consider themselves to have a say in their platform's policies.

Recently, a platform named ‘App-based Workers Federation’ was formed to bring workers from all geographical regions and all Bangladeshi digital labour platform applications under one umbrella. According to their social media page and Fairwork Bangladesh's meeting with them, currently, their members are rider-hailers from App-based Transport Union (previously ‘Dhaka Ride-sharing Drivers' Union’), Shommilito Riders Drivers of Chattogram, and Sylhet Riders' Club. The Federation is also working on representing workers of other types of app-based digital labour platforms.

There are multiple platform-based social media groups on Facebook, WhatsApp, and Telegram, where workers share their concerns and experiences about precarity and seek

advice from each other. ‘Dhaka Ride-Sharing Driver's Union (DRDU)’, a Facebook public group and informal union, is the first attempt to get together to voice the concerns of the ride-hailers of Dhaka, Bangladesh. This group has around 25,000 members. They organise public processions demanding commission reduction and transparency in payment, suspension, and deactivation. In September 2022, the ride-hailers organised a day strike. On International Labour Day on May 1, 2023, multiple groups organised car and bike processions in Dhaka, Chattogram and Sylhet.

Foodpanda Rider is a public Facebook group with 38,000 members. Workers share screenshots of their incomes to cross-check the pricing patterns. In some ways, workers are becoming aware of the impact of unfair algorithmic governance on their wages. Similar groups are available for ride-hailing workers from Pathao and Uber. The workers tend to post videos and photos of accidents and fines issued by traffic police.

On the other hand, Obhai workers driving three-wheeler vehicles (CNGs) have different locality-based unions where the workers collectively associate as ‘CNG drivers’, and these unions were formed even before Obhai existed. Similarly, truck workers had long formed location-specific unions before Truck Lagbe came into business. We found that truck workers once protested against Truck Lagbe's policies. Generally, platform workers tend to have informal groups; in some cases, platforms (Delivery Tiger, Foodpanda, HelloTask, and Sheba) facilitate these groups. Most platforms have faced some form of worker protest or collective engagement.

It is evident that platforms and workers have started to challenge their conditions, and our findings show that some platforms are willing to be more transparent in their policies vis-à-vis workers.





















PLATFORM IN FOCUS

Sheba

Sheba started its journey in 2015 by piloting its app-based services in Bangladesh. In 2016, the platform transitioned from pilot to the broader market, leading the platform-based household service offering industry. Sheba connects users with service providers for different services, including cleaning, electronics repair, painting, plumbing, renovation, salon service, moving or shifting, etc.

Sheba offers services to individuals and businesses, and in both cases, the service providers (called ‘service professionals’) are connected with the platform through Sheba’s “sPro” app. The platform verifies workers’ identities and trains them about maintaining the quality of

service before allocating the first gig to them. The service professional (or worker) receives the service request directly in their app. The service professionals working with a business receive the service request (or task notification) on their app whenever the business manager allocates them

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	 1

Sheba’s Total Score



a service request. novation, salon service, moving or shifting, etc. Sheba offers services to individuals and businesses, and in both cases, the service providers (called ‘service professionals’) are connected with the platform through Sheba’s “sPro” app. In its second year of being rated, Sheba has exhibited greater commitment towards ensuring better working conditions for the workers. Sheba offers a bouquet of services, and the time required for each service entails a significant variation in the payment per gig. All interviewed workers earn a net standardised monthly income of at least BDT 8,000 (USD 72.72).

According to Sheba’s policies, the payment per gig is determined based on the market rate. It considers the duration of the gig, associated transportation costs, and platform service charges. Additionally, to deal with the involvement of business managers and an added layer of expense for the workers, Sheba has an agreement with Sheba Fintech Limited, which allows direct and separate payments to the workers and the managers. Furthermore, through continued engagement with Fairwork Bangladesh, Sheba has updated its terms with the workers and the business managers, guaranteeing a minimum BDT 100 (USD 0.91) hourly payment for all types of services offered at Sheba and ensuring 90 per cent of the payment to be paid to the worker who performed the service, which will still be higher than the hourly minimum wage threshold of around BDT 40 (USD 0.36).

For worker safety, Sheba runs regular safety and hygiene campaigns in the Telegram groups it maintains with the

workers and the managers, where the campaigns cover areas such as preventive and safety measures before and during service provision, using relevant safety equipment, weather forecast and safety awareness, anti-discrimination policies, etc. Sheba also has a dedicated helpline and other communication channels to mitigate the workers’ lone-working risks. The platform also has policies sensitising workers about protective measures if any customer behaviour seems suspicious or appears to be ill-treating a worker.

Regarding work-related accidents and injuries, Sheba has no formal insurance policy for the workers. However, during our engagement, we learned that the platform plans to introduce one. In the meantime, the platform has an extensive compensation policy offering mutually agreed compensation for an injured worker, the dependents of the injured worker or the hospital, depending on the situation. The compensation policy also includes provisions in case of the death of a worker due to work-related accidents where the platform is committed to sharing a mutually agreed amount with the dependents of the worker. With the same policy, the platform also offers job placement for dependents of injured or deceased workers and alternate roles for pregnant women and physically disabled workers based on their interests and capabilities.

At Sheba, workers register by consenting to the detailed terms and conditions of working at the platform, available on the sPro app. The texts are available in Bangla, and are presented in accessible language. The terms and conditions

are also available in the app interface, and the workers receive notifications about any changes in terms through multiple communication channels, allowing the workers nine days to share their opinions on the proposed changes. The terms and conditions of Sheba apply to business managers as well. The platform also conducts satisfaction survey calls to collect workers' feedback on their overall experience working at Sheba, including their interaction and relationship with their business managers.

Worker interviews and platform evidence revealed the multiple channels of communication (call centre, sPro app, Sheba representatives, Telegram groups, in-person visits to the Sheba office, satisfaction surveys, partners' day, and meeting the CEO) Sheba maintains for the workers to reach out to them. A dedicated team at Sheba, the 'Voice of Customer' team ('customers' here include service recipients, workers and business managers), addresses the concerns of the workers received through the channels of communication and follows a formal process of assessing the situations raised. The team also guides and discusses with the workers if any complaint is placed against them, allowing them due process to share their side of the story for a comprehensive assessment. In the performance review of workers (based on quality of service), Sheba counsels them to identify the causes for the poor performance and guides them on improving their performance, if required.

In terms of ensuring equity and diversity practices, Sheba has a detailed anti-discrimination policy outlined for different interaction points with workers and the overall experience of the workers while working at the platform. Through engaging with Fairwork Bangladesh, Sheba added

anti-discrimination policies in their safety and hygiene campaign plan, informing the workers about the policies and the process of reporting anti-discriminatory behaviours.

In promoting equity, Sheba has supported pregnant women and physically disabled workers by offering them the opportunity to earn an alternate role at Sheba (training them to be business managers). The platform has a detailed work distribution policy focusing on the workers' quality, location, and other factors. Based on the policy, Sheba also considers the number of daily allocations to each quality worker. It has a system to ensure work to a quality worker if s/he has not received any order on a particular day.

For worker engagement, Sheba maintains Telegram groups with workers offering similar or identical types of service and invites all workers for 'Partners' Day' every month, where the workers can register themselves, confirm their participation in the event and share their thoughts or opinions that they would like to discuss during the event. Sheba, through engaging with Fairwork Bangladesh, introduced a clause in their terms and conditions with the workers, mentioning that any worker can individually or collectively share their opinions, needs, or demands to Sheba regarding any complaints, process or terms of Sheba, decision of Sheba, and problems related to billing, wage, payment, behaviour. This clause is mentioned in the terms and conditions of Sheba, which are available in the sPro app. With the introduction of this policy and the practice of 'Partners' Day', the platform formally encourages its workers to collectively or individually bargain with the platform about the policies that affect the workers, including calling meetings to discuss such matters.

PLATFORM IN FOCUS





















Daraz

Founded in 2015, Daraz is a leading e-commerce platform in South Asia, including Bangladesh. It is a venture of Rocket Internet – one of the world’s largest Internet and mobile platforms.¹⁰

Daraz employs multiple types of delivery and pickup personnel as ‘employees’ in their platform and distributes work among them with the “Lazada Logistics” app or “LEX” app) and facilitates communication with the clients with another app called “Rider Call”.

Daraz’s workers are ‘employees’ and receive a monthly basic salary of BDT 8,500 (USD 77.27), equivalent to the minimum wage. In addition to this basic salary, a variable

income (based on successful completion of deliveries and performance status) incentivises workers to earn more. Four out of ten workers we interviewed from Daraz reported that their estimated monthly net standardised income is higher than the living wage of BDT 23,254 (USD 211.40) a month. The workers also receive festival bonuses twice a year where the bonus is half of their basic salary. At Daraz, the workers receive their due payments in full at the end of each month. The workers work around nine hours a day

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 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	

Daraz’s Total Score



and around 26 days a month at the designated hub offices, where they collect the parcels for delivery. These hubs have area managers who supervise their work, and they receive different types of vehicles from the platform during their work hours.

Workers receive equipment such as helmets, vehicles, vehicle locks, and training (about road and job safety) from the platform. However, there is anxiety among workers about the security of the vehicles left on the street during delivery at clients' homes. In case of loss of a vehicle or parcel, workers mentioned that they had to bear 50 per cent of the value of the lost vehicle or parcel. The platform also provides vehicle locks and instructs workers to keep their parcel bags with them to avoid losing vehicles or items. The platform supplied parcel bags to ease an individual's workload while handling heavy parcel delivery-based tasks. Furthermore, the platform also has a dedicated investigation team to deal with matters related to the loss of vehicles and parcels.

At Daraz, there is an emergency helpline for the workers. The platform provides workers with medical support and reimbursements for medical costs for accidents or sickness during work. The platform pays for medical fees under insurance coverage (50-100 per cent of hospital costs if a worker must stay there for more than 24 hours). Workers can also take paid sick leave for justifiable reasons and if they inform their supervisors (failure to notify the supervisor within four days can lead to the worker's suspension). This sick leave, however, also entails that the worker will lose out on the per-delivery variable income. According to workers, Daraz offers life insurance for its workers, and in case of the death of a worker, the family members will receive BDT 100,000 (USD 909.09), and in case of death during work, the family will receive BDT 500,000 (USD 4545.46). While workers mentioned that they might lose the attendance bonus due to their inability to work for purposes other than sickness, none of the workers reported any negative impact as a result.

When workers join Daraz, they receive a contract in English which mentions the terms and conditions. This is comprehensible for the workers as Daraz employs individuals with at least a high school level education. After consenting to the contract, the workers join the platform, and most reported that they understood the terms and conditions. However, the contract is not publicly accessible.

The contract is considered private and confidential, containing some general employment relationships and provisions for any changes to platform rules. Daraz communicates any changes brought to platform terms and conditions to its workers through daily meetings or separate sessions (depending on the nature of the change policy). Any change in the contract provisions requires mutual agreement of both parties, which the platform must document before implementing such modifications. Regarding the transparency of income information, Daraz workers can access the details of their income through the worker application.

The platform has call centres, supervisors, and an HR business partner for the workers to voice their grievances to the management. Daraz onboards workers in temporary employment contracts, and the contract is renewed or terminated based on mutual understanding and the platform's policy. Workers can contact the platform management to appeal against termination without fear.

Workers did not report discriminatory treatment and noted the presence of workers representing various disadvantaged groups, such as women and older adults. During its engagement with Fairwork Bangladesh, the platform, shared a copy of its anti-discrimination policy, a comprehensive policy document outlining the types of discrimination, the process of reporting problems, and the procedure for resolving those matters.

Daraz workers reported that they often work from hub offices and can regularly meet with other workers. Based

on these interviews, Daraz does not prevent workers from having a collective everyday engagement, though no recognised workers' union exists. However, workers mentioned two strikes: one demanding raincoats and another protesting against cutting down the workforce of the platform. The interviewed workers have noted both strikes to be successful for the workers.

While Daraz has exemplified fair treatment of workers in multiple areas, the platform also has the scope to further improve its protection of workers, especially in areas including a fair share of liabilities, engagement with representative collective worker bodies, and practice of democratic governance.



Credit: Mahadi Al Rakib Mahi

Workers' Stories

Leelaboti Khatun*, a domestic worker at HelloTask, came from Kishoreganj, a north-eastern district of Bangladesh. She has four daughters (three are married) and one son. She lives with her husband and children, and her husband works as a van puller.

Most of the families who work as domestic workers are internal migrants. Leelaboti is not an exception. To find a source of income, the first time she arrived in Dhaka was in 2015, as her husband's income was insufficient to run the family. After arriving, she got a job in a house through her peers in the slum. During COVID-19, she and her family returned to the village, as it was impossible to survive in the slum, paying all the rent and bills.

Leelaboti joined HelloTask in 2021 after HelloTask representatives approached her at the slum she lives in. After registering at the platform and receiving her training, the platform provided her with an identity card, something she never had before.

As most females working at the platform do not have a smartphone, she found HelloTask's IVR system to be a user-friendly design. She said she could give a 'missed call' when she needed to contact HelloTask and share any grievances. The missed call also meant she did not have to spend on mobile phone charges.

Working with HelloTask brought a few new things to Leelaboti's life. "Now I have a uniform to go to work. I feel good about it". HelloTask helped her open a mobile financial services account to transfer her salary. "I have also learned how to use mobile financial services (MFS)".

Leelaboti now works in two houses instead of the four houses she did before joining HelloTask. Her monthly

earnings increased from the previous BDT 10,000 (USD 90.90) to BDT 14,000 (USD 127.27) from two homes. It is slightly higher than the local monthly minimum wage but far behind the local monthly living wage equivalent income. She hopes the rate will increase soon and her income will rise.

Leelaboti is desperate for savings but eventually ends up spending to pay her loans and family expenses. With some support from her husband's income, Leelaboti tries to pay the costs of their children's schooling and the loans she took from banks to get her three daughters married off.

At HelloTask, Leelaboti must work 26 days per month (one day off per week) to be eligible for full payment. She has no sick leave or leave on special occasions and has to compensate if she has to take leave on an urgent basis. Otherwise, her payment will be deducted or delayed.

Leelaboti mentioned that she does not get any special facilities at the workplace, such as sanitation during menstruation, meals, medicines, space childcare, etc. Whether she receives those facilities depends on her ability to maintain a good relationship with the customer.

Leelaboti said her relatively better salary and flexible working hours are the good aspects of her work. However, she was concerned about the absence of sick or casual leave, medical support, or bonus situation.

Kolyani Shikder* recently migrated to Dhaka to live with her parents in search of better working opportunities. She has been living in the city for around five years. Still in her early 20s, Kolyani entered the workforce five years ago and used to work at a garment manufacturing factory in her hometown for some time. After migrating, being the eldest child of her parents, she worked as a domestic worker and contributed to her family's expenses from her income.

Shortly after her migration, Kolyani learned about the working opportunity at Foodpanda from a neighbourhood acquaintance. The platform's representative asked if she could ride a bicycle and was interested in delivering food and groceries. She took a day to understand the terms of Foodpanda and later agreed to join the platform, where an acquaintance referred her. She shared her national identity and educational qualification-related documents and received onboarding training to join. She now works at Foodpanda as a "walker" rider, even though she uses a cycle for her commute. According to her, this is a common practice among workers as, even though a "walker" ID offers the lowest rates per gig, it ensures gigs nearby, allowing her to get more gigs during her shift.

Kolyani has been working with Foodpanda for over eight months and enjoys the flexibility the platform work offers her compared to her previous jobs. "I am in charge of my own time". She balances her time as a platform and domestic worker throughout the week and can now take a break from work whenever she needs to. Being a female worker at the platform, she feels safe reaching out to a female supervisor and sharing her grievances about any mistreatment she has faced from a customer. This support system makes her feel comfortable performing her tasks, and she is also happy about her higher income than her previous jobs. However, Kolyani is concerned about the lack of paid or sick leave, and is also worried about the time taken to complete a gig.

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



Credit: Mahadi Al Rakib Mahi

THEME IN FOCUS

Mobilization for Policy and Regulatory Framework

Despite the growing pace of platform work creating employment opportunities¹¹, platforms have been slower to take adequate responsibility towards the workers. The evidence from this research shows that platform workers are far from having a fair employment relationship, with unclear employment status, below-the-living-wage earnings, non-transparent suspension, deactivation, termination, non-payment, lack of social protection, and lack of voice.

Digital labour platforms are still not in the purview of the existing legal framework of labour in Bangladesh. This loophole favours the platforms and lays the whole burden on workers. Many platforms under the research are addressing the issues on their own, however, they are not always policy-based and not binding by law.

Overarching Policy Issues

- Absence of recognition of location-based platform workers in Bangladesh labour law.
- There is no minimum wage or wage equivalent income set for platform workers, with workers earning significantly less than a living wage.
- Absence of transparent terms and conditions covering the rights and obligations of both sides.
- Absence of a transparent system of ensuring occupational safety and health issues.
- Absence of insurance coverage by the platforms in case of accident and death.
- Absence of leave policy, including sick, casual, and maternity leave for the workers who work 208 hours (per month) or more for platforms.
- Unfair treatment of workers, including a non-transparent system of suspension, deactivation, and termination.
- Lack of transparency in algorithmic management of the workers. The rating system forces workers to take excessive risks and force them to work long hours.
- Workers' inability to refuse or cancel work without a

negative impact on their standing on the platform.

- Inadequate capacity to improve the collective bargaining power of platform workers.
- Absence of healthy space of dialogue between platforms and workers.

While the National Labour Act covers most of the abovementioned issues, platform workers are not protected under other relevant legislation or regulations such as the Employment Act, the Occupational Safety and Health Act, the Minimum Wage Act, etc. As regards the right of association and collective bargaining, Bangladesh has already ratified seven out of the eight core conventions of the ILO, including Conventions 87 and 98, which highlight the right of “Freedom of Association” and “Freedom to Organise and Collective Bargaining.” Domestic laws such as the Bangladesh Labour Act 2006 and the Bangladesh Labour Rules 2015 have already implemented these ILO Conventions. However, its prospects are still unclear for informal workers, especially platform workers.

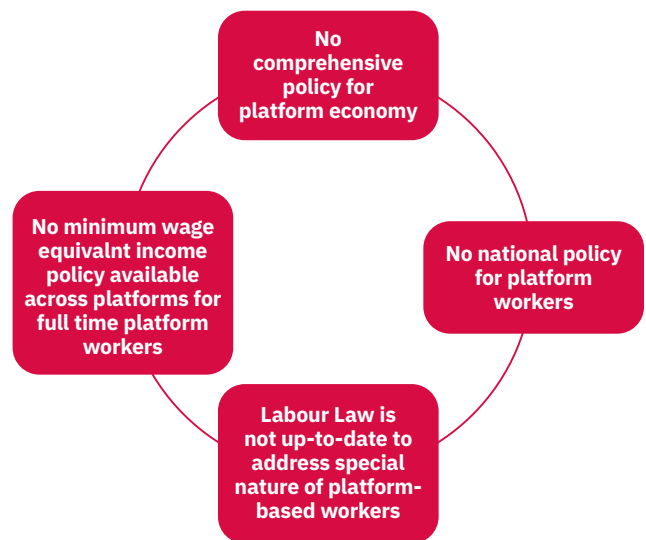
Fit of Existing Bangladeshi Policy and Regulatory Framework for Bangladeshi Platform Workers

The 2023 Fairwork Bangladesh ratings study reveals significant policy inadequacy for the platform economy in general (Figure 3). Whatever policies have been developed and enforced, they are often reactive after the emergence of a crisis.¹² Taking 2016 as the year of the emergence of the platform economy in Bangladesh, seven years is an adequate time to identify trends, challenges and opportunities and introduce regulatory standards for workers, platforms and customers. The actors of the platform economy ecosystem need to initiate research-based policy development, encouraging the growth of national platforms while inviting global platforms and investments.

Comprehensive Policy for Platform Economy and Workers: No comprehensive policy and regulatory framework exists for labour conditions in the platform economy. An e-commerce law, the “Digital Commerce Act 2023”, is in the process of enactment in Bangladesh. The primary factor behind this law is the absence of regulatory control to oversee and stop irregularities by the platforms affecting the customers, not the workers. The large-scale scams of a few e-commerce platforms prompted the stakeholders to introduce this bill. The proposed legislation focuses exclusively on e-commerce platforms (which sell products) and consumers. The other players in the value

chain, like platforms selling services to consumers and workers (both cloudwork and location-based), are missing in the draft law. A value chain-based approach would address the concerns of the platforms. It must not be done as a reaction to a problem but rather for the long-term growth of the digital economy.

Figure 3 Policy and Regulatory Absence for Platform-based Workers



No National Policy for Platform-based Workers: As the total number of platform-based workers in Bangladesh is estimated to exceed one million and continues to grow, a comprehensive policy is urgently required to ensure fair employment. The platforms offer the platform workers terms and conditions according to their choices, as no framework is available.

Minimum Wage or Minimum Wage Equivalent Income Policy: There are minimum wage identification systems under labour law for 42 sectors; however, there is no such policy for platform-based workers. The ready-made garments (RMG) sector witnessed a relatively up-to-date minimum wage, thanks to the collective bargaining mechanism. The RMG sector has seen a raise in the minimum wage to BDT 12,500 (USD 113.64), whereas the demand was for BDT 23,000 (USD 209.09). Considering the composition of the workforce in the platform economy and the extent of digitalisation, it is quite possible for platforms to ensure a living wage for the platform workers by tweaking the algorithm.

Outdated Labour Law and the Platform Economy:

Bangladesh has accomplished the ‘Digital Bangladesh’ agenda and is moving towards implementing the ‘Smart Bangladesh’ agenda. However, the labour law is not current in ensuring appropriate treatment towards various forms of ‘digital labour’, including location-based platform workers.

There is an amendment of Bangladesh Labour Rules in 2022 and an amendment of Bangladesh Labour Act in 2023 (pending President’s approval). However, these amendments still do not include location-based platform workers in the schedule of labour categories, which would ensure specific benefits for them.

Global Good Practices

International: To date, Bangladesh has ratified 33 ILO Conventions, including seven fundamental Conventions to comply with international labour standards. These conventions are binding for Bangladesh to ensure labour

standards for all sectors, including the platform economy.

While Bangladesh is obligated to follow the ILO conventions, there are also plenty of good examples across the globe, which provide insights and may guide Bangladesh’s policy and regulatory framework.

The European Union issued a ‘Directive’ regulating the working conditions of digital platform workers and clarifying the status of these workers, which started in December 2021 and is now being negotiated by the European Parliament. The Directive gives a list of criteria for which the platform will be deemed employer if two criteria are met.

In Pakistan, Foodpanda treats food delivery persons as part-time or full-time employees. Thus, Foodpanda workers fall under the local labour legislation. Table 3 presents a few more progressive developments around the world.

The overarching policy agenda shall include the aspects presented in Figure 4.

Table 3 Global Good Practices

Global Good Practices for Platform-based Gig Workers	
Canada:	Unreasonable dispute resolution process invalidated
US:	Diverse approaches to the classification of platform workers
Uruguay:	Digital social security contributions and tax payments for platform workers
Spain:	Mandatory employment injury insurance legislation
Nigeria:	Data protection regulation affecting platform workers
Brazil:	Occupational safety and health coverage transcending employment relationship
Korea:	Work injury benefits extended to some platform workers
India and Indonesia:	Social security benefits extended to platform workers
Source: ILO, 2021	

Figure 4 Overarching Policy Agenda

Labour Relations	Compliance	Occupation Health and Safety	Data Protection	Responsible Business Practices
<ul style="list-style-type: none"> Fair contract Fair compensation Fair commutation Grievance redressal Collective bargaining [future] 	<ul style="list-style-type: none"> Legal and regulatory compliance Financial compliance 	<ul style="list-style-type: none"> Training Guideline Insurance 	<ul style="list-style-type: none"> Protection of personal data from usage other than designated purpose Data minimalisation 	<ul style="list-style-type: none"> UN Global Compact

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 Contracts

HelloTask has revisited its pricing policy to ensure that workers earn at least a monthly minimum wage of BDT 8,000 (USD 72.72), and the platform is actively advocating for a legal framework for Bangladesh's domestic workers. This year, through successive discussions and engagement with Fairwork Bangladesh, Sheba has introduced a policy guaranteeing a minimum hourly wage of BDT 90 (USD 0.82) for the workers, regardless of the type of services, which is higher than the hourly equivalent of minimum wage which is around BDT 40 (USD 0.36). The platform has further entered into agreements with a fintech organisation to ensure direct and separate payments to workers and business managers, enabling workers to receive their earned income. Daraz also shared the contract template guaranteeing BDT 8,500 (USD 77.27) of basic salary for the workers.

At the end of this year, two ride-hailing platforms (Uber and Pathao) are piloting a subscription model for the workers, enabling them to pay a flat commission rate to the platforms instead of the certain percentage applied based on individual rides. These pilots are also seen as an attempt to reduce the challenges related to khaep. The effect of these new measures remains to be seen.

Fair Management

Daraz has an anti-harassment policy, including communication mechanisms for making the workers aware of the policy and the reporting process. Sheba and HelloTask

have introduced anti-discrimination policies promoting equal opportunities and treatment for all the workers at these platforms.

Sheba has demonstrated a detailed process of addressing worker complaints and complaints against workers, and of counselling workers to improve their performance before taking any disciplinary actions against the worker.

Fair Representation

HelloTask in association with the Bangladesh Institute of Labour Studies and Oxfam Bangladesh, has introduced mechanisms to encourage and facilitate collective association and action among the workers by forming groups and facilitating the appointment of leaders of these groups in selected areas.

Sheba and Uber, on the other hand, have shared documents on their practices of democratic governance where Sheba arranges monthly town halls and meetings with the CEO or COO. Fairwork Bangladesh has successfully convinced Sheba to add a statement in its terms and conditions where the platform formally invites workers to engage with the platform collectively or individually for any work, payment, or process-related opinion or demand they have for Sheba.

Pathways of Change

Enabling a safe multi-stakeholder dialogue page is critical to developing an all-inclusive worker-friendly platform policy. Researchers, activists, development partners, and civil society actors can be advocates to define new employment standards, regulations, and amendments to existing labour laws for platform workers.

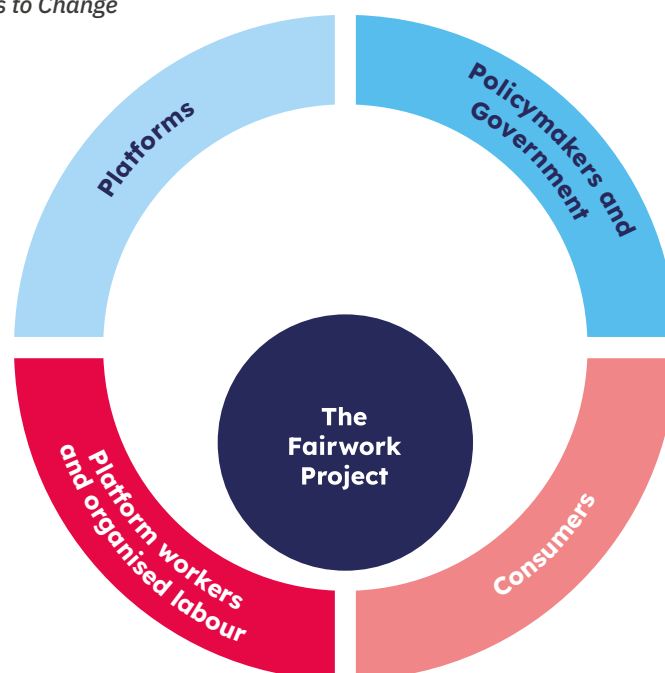
Organisations such as the International Labour Organisation Bangladesh must take an interest, engage all relevant stakeholders, and provide technical assistance in developing a policy and regulatory framework.

The Ministry of Labour and Employment and the ICT Division may work closely with platforms, civil society, and workers' representatives to develop a policy framework. The formalisation of platform-based workers or 'independent contractors' is the key to addressing the challenges faced by the platform workers. The Labour Act must include all platform workers in the purview, which would mandate platforms to draw bilateral clear

contracts and provide all standard employee benefits. Including platform workers in the Labour Act, Rules and Policies will allow workers to form unions and ensure fair representation with negotiation power.

In this era, as everyone is a customer and takes services from digital platforms at some point or the other, public awareness campaigns are important to highlight what the platforms lack today and what they could potentially achieve in terms of reducing precarity for platform workers, especially for workers from disadvantaged groups—and also to highlight the need for customers to play a role in the whole process.

Figure 5: Fairwork's Pathways to Change

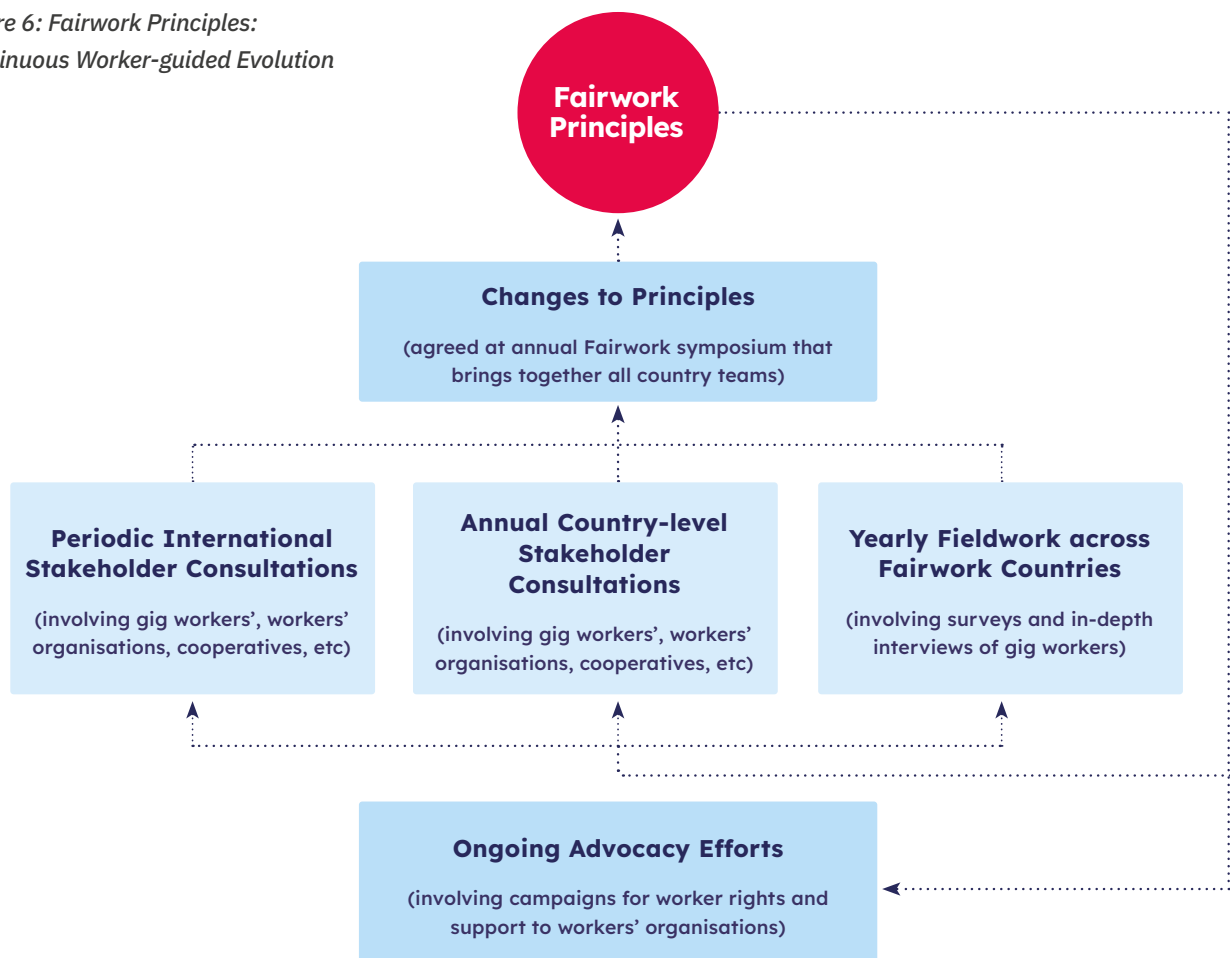


Fairwork’s Pathway to Change (Figure 5) outlines the importance of a collaborative approach towards achieving the shared goal of ensuring a fairer work environment for platform workers. To realize this, this year Fairwork Bangladesh have been actively engaging with different stakeholders with the arrangement of meetings, a stakeholder roundtable, international seminars, multimedia production and social media campaigns. The Fairwork methodology is also guided by the same philosophy. The most important stakeholder, the workers, are one of the core pillars of Fairwork and this is reflected in the project’s worker-guided evolution of its principles (Figure 6).

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.

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary,

Figure 6: 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. The Fairwork pledge campaign received significant responses where, from Bangladesh, we currently have three official supporters: South Asian Network on Economic Modelling (SANEM), BRAC Institute of Governance and Development (BIGD), Economics Study Center (ESC of University of Dhaka). It is time to expand the campaign to consumers, where the concept of 'responsible' consumption of services may influence platforms' strategy vis-à-vis platform workers, as a viable business case. 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. Meatspace Press have become official Fairwork Partners in the UK.

**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”¹³. 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”¹⁴. 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 models¹⁵.

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 12 months between January 2023 and October 2023, and are valid until March 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 vehicle.¹⁶ Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.¹⁷ Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours.¹⁸ To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

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

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.¹⁹

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.^{20 21}

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 risks²².

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 risks²³. 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 workers²⁴. To achieve this point, the platform must demonstrate that workers are able

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

The platform must satisfy ALL of the following:

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

3.2 - Ensures that no unfair contract terms are imposed (one additional point)

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

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

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

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

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

Principle 4: Fair Management

4.1 - Provides due process for decisions affecting workers (one point)

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

The platform must satisfy ALL of the following:

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface.²⁵
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

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

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

Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.²⁶
- 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 mechanism²⁷ 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 interface²⁸.
- 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 representation²⁹.

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 representation³⁰.

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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



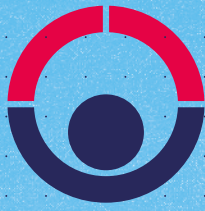
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ENDNOTES

1. "An arrangement between the rider and client to bypass the platform" as defined in Fairwork (2022). Fairwork Bangladesh Ratings 2022: State of Work in the Bangladesh Gig Economy. Dhaka, Bangladesh; Oxford, United Kingdom
2. The monthly minimum wage set by the Minimum Wage Board, Government of Bangladesh for the workers in RMG sector of Bangladesh, till November 2023. For the study, we took this amount as a standard as this was the highest set minimum wage.
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12. In 2017, the government introduced a new 'Ride-Sharing Service Guideline' to control and protect this ride-sharing industry and its workers. In 2021, The 'Digital Commerce Operation Guideline' was made to bring transparency and discipline to the digital commerce sector. These have been prepared under the National Digital Commerce Policy 2020.
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16. 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.
17. 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.
18. 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.
19. 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.
20. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
21. 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.
22. 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."
23. 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."
24. 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.
25. 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.

26. In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
27. 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.
28. 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.”
29. See ILO (2021) World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work International Labour Office – Geneva
30. 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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