

Towards International Governance of Platform Work

We, the signatories from around the world committed to protecting the rights and improving working conditions of platform workers, urge the International Labor Organization (ILO) to take into consideration the following demands¹ within the framework of the double discussion process for the approval of international standards on decent work in the platform economy.

Our recommendations are based on the Fairwork principles and findings from the Fairwork project. Fairwork is an international action-research project aimed at improving labour standards of workers in the digital economy, by rating companies in the digital economy based on the working conditions they provide. It is present in 41 countries on 5 continents, and it has so far produced 712 company ratings, covering millions of workers around the World.

The form of the international instruments to be adopted

We agree with the ILO yellow report² in the need to adopt a Convention complemented by a Recommendation. A Convention would establish fundamental principles and rights, guaranteeing their applicability and uniformity, while the Recommendation would allow standards to be adapted to national and sectoral specificities. This combination would offer the necessary flexibility to address the diversity of models and improve worker protection globally.

Positive aspects of the ILO yellow report

We positively value that international standards:

- 1) Require Members to adopt measures to ensure that platform workers enjoy **fundamental principles and rights at work**³.

¹ This document has been prepared based on evidence and is complementary to a previous statement from the Fairwork network, called “A Global Manifesto for Fairer Platform Work” (2022), available at https://fair.work/wp-content/uploads/sites/17/2022/10/ILO-Manifesto_Final-Draft-1.pdf.

² ILC.113/Informe V(2).

³ The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has noted that “the full range of fundamental principles and rights at work are applicable to platform workers in the same way as to all other workers, regardless of their employment situation.” ILO, ‘Promoting

- 2) Require Members to adopt measures to ensure **the correct classification of digital platform workers linked to the existence of an employment relationship**, based mainly on facts relating to the performance of work and remuneration, taking into account the Recommendation on the Employment Relationship, 2006 (No. 198).
- 3) Require digital platforms to regularly provide workers with **accurate and easily understandable information about their remuneration** and any deductions that may have been made.
- 4) Require Members to take measures to ensure that digital platform workers enjoy **social security protection** that is no less favourable than that which applies to other workers in comparable situations.
- 5) Regulate key aspects such as the use of automated systems, the protection of personal data and the privacy of workers, the suspension or deactivation of accounts and the termination of employment, information on employment conditions, the protection of migrants and refugees, conflict resolution mechanisms and means of appeal and reparation.
- 6) Appropriately define and include within their scope all digital platform workers, both location-based and online workers.

Concerns regarding the content of the international standards to be adopted

While the ILO yellow report represents significant progress, we identified some areas of concern:

- 1) The lack of mechanisms that facilitate the burden of proof for workers in clarifying **the correct classification of digital platform workers linked to the existence of an employment relationship**.
- 2) Platforms' obligation to take **preventive measures for occupational safety and health** is conditioned by “reasonableness and feasibility” criteria, which could weaken compliance.

employment and decent work in a changing landscape’ (Report of the Committee of Experts on the Application of Conventions and Recommendations. CIT109/III(B), OIT 2020) 152.

- 3) Regulation of **“adequate” remuneration thresholds could be insufficient** to guarantee decent living conditions.
- 4) The **working time** of platform workers is not adequately addressed in the report for regulation in international standards. Its vagueness fails to address the loopholes that digital platforms exploit to avoid compensating workers for their time, including time spent waiting or commuting to a job.
- 5) Regulation of **algorithms and transparency** remains imprecise. This creates an imbalance of information and reduces workers' power against platforms and requesters regarding automated decisions on their work and affecting them in general. This situation is concerning especially in countries with an absence of data protection regulations.
- 6) Regulation on the use of **intermediaries** is not adequately developed.
- 7) The regulation does not systematically and deeply address the right to a **due process**, especially considering automated decision making by digital platforms.

Proposals for regulatory content

To strengthen the regulatory framework, we propose the inclusion of the following elements in the international instruments:

- 1) **Definition of working time:** The text of the International Convention should provide a conceptual definition of working time for the purposes of calculating hours of work. This definition should include all those timeframes related to work, such as “on-call or standby time”, “time spent commuting”, “active waiting time”, and “effective working time” (in the strict sense of the term). International regulation should allow Member States to regulate working time in cases where workers use several applications at the same time.
- 2) **Occupational risk assessment:** international regulation should emphasise the requirement for digital platforms to conduct adequate assessments of occupational risks, train workers on these risks, and, for on-location platforms, provide appropriate safety equipment for the performance of their routine tasks.

3) **Fair and decent remuneration:** instead of ensuring that the remuneration of platform workers is adequate, **fair and decent pay** should be required, with minimum wage legislation extended to all platform workers (including those who are paid per task). Therefore, the international Convention should stipulate that workers receive at least the local minimum wage or that set by a collective agreement (whichever is higher), after work-related costs.

4) **Presumption of employment:** International standards should introduce a presumption of employment and shift the burden of proof to digital platforms to demonstrate that a worker is self-employed or a business entity, facilitating judicial and administrative oversight, and helping to reduce litigation and judicial costs. To do this, companies should demonstrate that: a) the worker is free of control; b) the company does not direct its work; c) the company does not exercise any type of disciplinary power over the worker, either directly or indirectly; d) the worker has functional and organizational autonomy; e) the worker intervenes directly in the market offering his or her own services; f) the provision of services offered by the worker has no connection with the brand of the contracting company; g) the worker is the owner of the essential assets for the provision of the service.

5) **Strengthening regulatory control:** States must enhance control of compliance with standards. The international Recommendation should suggest that national standards enshrine the authority of regulatory bodies to declare employment status and require social security contributions from platform companies. At the same time, Members should implement measures to improve information regarding labour obligations and rights. Finally, the regulations should confer authority to inspectors to audit a platform's algorithm, demanding the decoded presentation of basic information related to working conditions.

6) **Data protection:** Regarding the protection of personal data, international standards should include a similar regulation to Directive (EU) 2024/2831 on the improvement of working conditions in platform work.

7) **Regulation of intermediaries:** International standards should explicitly address the role and responsibilities of intermediaries in the platform economy. This regulation should include: a) clear definitions of who qualifies as an intermediary, encompassing entities that connect platforms with workers, even if they are not the platforms themselves; b) shared responsibility mechanisms that hold intermediaries jointly liable with platforms for ensuring workers' rights, including but not limited to fair remuneration, working conditions, and social security contributions; c) transparency obligations for intermediaries, requiring them to disclose their role to workers and to

provide clear information about the terms and conditions of work; d) mechanisms for oversight and enforcement to ensure that intermediaries comply with labour regulations, including the ability of regulatory bodies to inspect their records and practices.

Conclusions

The discussion process at the ILO represents a historic opportunity to establish an international regulatory framework that ensures decent work in the platform economy.

To achieve this, it is essential that:

- 1) A Convention is adopted, complemented by a Recommendation, that combines binding obligations with flexible guidelines.
- 2) Protection measures are strengthened to prevent the precariousness of platform work.
- 3) An effective mechanism is ensured for correct job classification, preventing platforms from evading responsibilities.
- 4) Effective control mechanisms are established to allow for oversight and enforcement of labour regulations.
- 5) The responsibilities of intermediaries in the platform economy are clearly defined and regulated to ensure they share accountability for workers' rights.

We urge governments, trade unions, and international actors to support robust regulation that guarantees justice and equity for digital platform workers worldwide.