The five pillars of Fairwork: labour standards in the Platform Economy

Contents

Introducing the Gig Economy

Thirty million digital platform workers, from all over the global south, are doing work that is outsourced through platforms or apps[1].

Platform work provides essential income and opportunities to many. However, due to lack of protection in the form of employment law or collective bodies, many platform workers face low pay, precarious job security, and poor and dangerous working conditions.

The gig economy has expanded rapidly and is reshaping the way work is carried out, experienced, and thought about.

The gig economy provides work for 30 million people in the global south[2] and about 1.1 million in the UK[3]. In the US, 8% of the population had worked in the gig economy in 2016 - a figure that doubles for those age 18 to 29[4].

There are some striking predictions about the future of the gig economy - by 2025, digital platforms could make up a third of all labour transactions worldwide, involving up to 540 million workers[5]. Figures of this scale explain why so much investment goes into developing new platforms.

Platform work and its limitations

Much has been said about the flexibility offered to individual workers through gig work. The benefits are often articulated by gig workers themselves, especially the potential of breaking down the rigid structures of 9-5 work. However, less attention has been devoted to what this has meant for workers' pay, conditions and experiences.

Flexibility affects platforms and workers in different ways

While platforms can change the terms and conditions or – crucially – the amount they extract from each payment made by customers, platform workers are often compelled by low wages and high individualised costs to work much longer hours than a more traditional employee.

The use of apps and other digital tools

The growing use of apps and other digital tools for gig work means workers are continuously monitored, and so potentially disciplined by the platforms. They also cut employers' expenses considerably, as the cost of breaks, travel between jobs and maintenance of workers and their equipment are the responsibility of the worker, not the platform.

Disrupting labour regulations

The gig economy has aggressively moved to disrupt labour regulations by attempting – often successfully – to redefine the very nature of work. Gig workers are classified as "independent contractors" by the overwhelming majority of platforms, denying them the rights and benefits of traditional "employment". They are treated as self-employed

individuals, who pay to use a service that connects them to potential clients. More than a simple question of semantics, this approach absolves the platforms of much of their responsibilities when it comes to labour rights.

This self-employment relationship means that platforms do not need to take responsibility for paying a minimum wage, limiting working hours, providing holiday, sick pay or other benefits, or buying or maintaining equipment.

Platform workers do not have collective bargaining rights. This means that platforms can impose new working conditions or pay structures without any consultation – a practice that has caused much tension across the world.

By redefining the standard employment relationship, platforms are radically reshaping their responsibilities to workers, and considerably increasing their potential profits in the process.

The rise of gig work has important implications for the nature of work, the solidity of labour regulations, and the relations between workers and employers, as well as between service users and service providers, internationally.

While these changes are not necessarily limited to the gig economy, the growing use of digital platforms worldwide is a powerful intensifying factor for these already existing tendencies. It is therefore important to think about how platforms function, and to propose effective mechanisms to track their practices and apply pressure to limit their excesses.

What makes a worker? Legal challenges in the digital economy

There have been many court cases against platforms which have attempted to impose labour regulations onto them in order to improve workers' conditions.

Most cases have focussed on the employment relationship arguing that despite the companies' claims to the contrary, they are in fact employers, not simply technology firms offering nothing more than connecting services.

Workers' wages, the work model, and quality standards are set by the platform. Workers are often dependent exclusively (or to a very large extent) on the wages collected through the platforms. Other elements, such as the imposition of a work uniform, strengthen the case that platform workers are more often than not employees.

Some countries saw initial successes for workers bringing cases, including Switzerland[6], Brazil[7] and the UK[8], before decisions were reversed on appeal, resulting in protracted legal battles.

These examples have exposed the difficulty of fighting platforms in the courts. As well as the considerable differences in resources between workers and platforms (the latter typically have the resources to draw out the process for a long time), the legal structure of companies can make them difficult to control through the courts.

Cases against Uber in South Africa and Switzerland, for example, ran into complications when it came to light that workers were not actually contracted by Uber in South Africa or

Switzerland, but rather by a subsidiary in the Netherlands[9,10]. The digital nature of these companies can then facilitate their effective offshoring of a number of legal and labour relations.

Taking action: Unionisation of isolated, vulnerable workers

Workers have started organising against the practices of platforms and putting forward collective demands.

In many countries, including India, Kenya, South Africa, Belgium, UK, US, Switzerland, China and Brazil, the sight of platform workers on strike, organising go-slows, or connecting internationally as has been the case for Amazon Mechanical Turk workers, has become increasingly common[11].

Despite their high levels of atomisation and individualisation, workers are finding new ways to demand higher wages, to oppose the imposition of higher tariffs by the platform, or to force the latter to participate in the cost of 'off-time' activities and the maintenance of the necessary materials and vehicles to perform the job.

These collective initiatives have also encountered challenges. They are often disconnected from the rest of the local labour movement, either through the inaction of traditional trade unions, or through their active rejection by fellow workers. For example, many platform drivers face repeated violent assaults by licensed taxi drivers[12]. This local isolation from other workers is also compounded by both the nature of the work and of the platforms themselves.

The work can be highly individualising, without offices, garages, or depots in which to congregate, to meet other workers, and share frustrations. While social media platforms and messaging services like WhatsApp have started to fulfil that function, the issue of isolation remains significant. Many cloudwork platforms are also international in scope and pit workers across the world against one another in order to drive down wages, discourage collective action, or undermine legal challenges[13].

Furthermore, platforms can leverage the highly flexible nature of the work (and the high level of un/underemployment in many parts of the world) to replace troublemakers and organisers.

Conclusion

The picture that emerges is one of a highly conflictual but precarious work environment that requires wide-ranging global approaches to counter the negative aspects of platform work, while remaining attuned to specific local challenges and facilitating local initiatives, whether through collective action or regulation. This is the context from which the Fairwork project was developed.

About Fairwork

The Fairwork project encourages platforms to be transparent about the kind of work that they provide, and to ultimately create better, and fairer, jobs.

How we do it

Fairwork evaluates the working conditions of digital platforms and ranks them on how well, or how poorly, they do.

Taking inspiration from both the Fairtrade and Living Wage Campaign models, we have developed five principles that digital platforms should comply with in order to be considered to be offering 'fair work'. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

Who we do it for

Our scores are useful to:

- **Workers** who can use them to negotiate for better working conditions.
- **Regulators** who seek benchmarks against which to evaluate platforms.
- **Consumers and clients** who seek to make more informed decisions about how they spend their money.
- **Companies** who want to highlight how the jobs they create are better than those of their competitors.

The principles and the rankings can serve as pressure in the struggle to impose better working conditions on platforms. Those battles will ultimately be waged – and won – by workers themselves.

The Fairwork principles

The five Fairwork principles were developed at a number of workshops that brought together workers, platforms, trade unionists, and policymakers at the International Labour Organisation and United Nations Conference on Trade and Development in Geneva, as well as in India (Bangalore and Ahmedabad) and South Africa (Cape Town and Johannesburg).

Principle 1: Fair pay
Workers, irrespective of their employment classification should earn a decent income in their home jurisdiction after taking account of work-related costs.

Principle 2: 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.

Principle 3: Fair Contracts
Terms and conditions should be transparent, concise, and provided to workers in an accessible form.

The party contracting with the worker must be subject to local law and must be identified in the contract. If workers are genuinely self-employed, terms of service are free of clauses which unreasonably exclude liability on the part of the platform.

Principle 4: Fair Management
There should be documented processes for workers to be heard, to appeal and understand decisions affecting them. Workers must have a clear channel of communication to appeal management decisions or deactivation. The use of algorithms must be transparent and result in fair outcomes for workers. There should be an identifiable and documented policy that ensures equality in the way workers are managed on a platform. Data collection should be documented with a clear purpose and explicit informed consent.

Principle 5: 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.

Fair Pay and a Fair Contract addresses the beginning of the relationship between the worker and the platform. Fair Conditions focus on the implementation of the contractual relationship. Fair Management engages the ongoing relationship with the platform, while Fair Representation addresses workers' ability to intervene freely and collectively in these processes.

About the project

Fairwork is a project based at the Oxford Internet Institute, University of Oxford, and financed by the German Federal Ministry for Economic Cooperation and Development and the UK's Economic and Social Research Council.

We work in collaboration with the International Institute of Information Technology Bangalore, the University of Cape Town, the University of Manchester, and the University of the Western Cape.

Assessing platforms

Each of the five Fairwork principles is broken down into two points: a basic point and a more advanced point that can only be awarded if the basic point has been fulfilled.

Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles.

Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question, but that it was not – for whatever reason – able to demonstrate its compliance. Clear and institutionalised rules and regulations are a key aspect of fair working conditions.

Principle 1: Fair Pay

1.1 Pays at least the local minimum wage (one point)
Irrespective of the employment status of the worker, workers earn at least a local minimum wage, or there is a policy which requires payment above this level.

The threshold for 1.1 is based on the level for a local minimum wage[14]. Workers on the platform must earn more than the minimum wage rate in their active hours[15], and this can be evidenced by either:

- A policy that guarantees the workers receive at least the local minimum wage in their active hours; or
- The provision of transaction data or summary statistics.

In the case of (b), the platform is asked to submit a weekly earnings table (see Weekly earnings table 1 in appendix) that averages worker earnings and worker hours for any three-month period over the previous twelve months.

1.2 Pays the minimum wage plus costs (one additional point)
Workers earn at least the local minimum wage after work-related costs, or there is a policy which requires payment above this level.

The threshold for the minimum wage plus costs varies between different kinds of platform work. In order to establish a threshold, the platform is asked to provide an estimate for work-related costs, which are then checked (by the Fairwork team) through interviews with workers.

To be awarded this point, there must be either:

- A policy that guarantees workers earn at least the local minimum wage plus costs; or
- Evidence from the platform that workers earn at least the local minimum wage plus costs.

If the platform has completed Table 1 (appendix 1), the mean weekly earnings minus the estimated work-related costs must be above the local minimum wage.

Principle 2: Fair conditions

2.1 Mitigates task-specific risks (one point)
There are policies to protect workers from risks that arise from the processes of work.

This threshold requires the platform to ensure that there are safe working conditions, and that potential harms are minimised[16]. For 2.1, this means identifying the task-specific risks that are involved for the worker, for example, if a vehicle is used, or there is interaction with customers. The specific practices leading to the awarding of this point may vary by the type of work and risks involved.

To be awarded a point for 2.1, the platform must be able to demonstrate that:

- There are policies or practices in place that protect workers' health and safety from task-specific risks.

2.2 Actively improves working conditions (one additional point)
There are proactive measures to protect and promote the health and safety of workers or improve working conditions.

For 2.2, the threshold is higher, involving practices that go beyond addressing the task-specific risks addressed by 2.1. This means a policy that goes beyond ameliorating the direct task-specific risks, by promoting greater health and safety or improvements in working conditions, beyond what is specified by local regulations for employment. For example, an insurance policy that covers workplace accidents would meet the threshold for 2.1, while one that also covers the worker or their family outside of work would meet 2.2. As policies and practices may be focused on the specific form of work, the examples that meet the threshold may vary by the type of work.

To be awarded a point for 2.2, the platform must be able to demonstrate:

- There is a documented policy (or policies) that promotes the health and safety of workers or improves working conditions, going beyond addressing task-specific risks.

Principle 3: Fair contracts

3.1 Clear terms and conditions are available (one point)
The terms and conditions are transparent, concise, and provided to workers in an accessible form.

The threshold involves showing that the terms and conditions of the contract issued to workers are available in an accessible form[17] at all times, whether through the app itself or direct communication with the worker so that workers understand the requirements of their work. The contracts should be easily understandable by workers, and available in the language / languages commonly spoken by the workers on the platform.

To be awarded a point for 3.1, the platform must be able to show that the contract is:

- Written in clear and comprehensible language that the worker could be expected to understand; and,

- Issued in the language / languages spoken by workers on the platform; and,
  - Available for workers at all times.

3.2 The contract genuinely reflects the nature of the employment relationship (one additional point)
The party contracting with the worker must be subject to local law and must be identified in the contract.

If workers are genuinely self-employed[18], platforms must show that the contract is free of clauses that unreasonably exclude liability on the part of the platform for harm caused to the workers in the course of carrying out their duties. The threshold for 3.2 involves the platforms showing that the contract issued to workers accurately describes the relationship between the platform, the workers, and the users. If there is an unresolved dispute over the nature of the employment relationship, a point will not be awarded. To be awarded a point for 3.2, the platform must be able to show that:

- The employment status of the workers is accurately defined in the contract issued by the platform; and,
- There is no unresolved dispute about the nature of the employment relationship; or,
- The self-employed status of the worker is adequately demonstrated and free from unreasonable clauses.

Principle 4: Fair Management

4.1 There is due process for decisions affecting workers (one point)
There is a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There is a clear channel of communication to workers involving the ability to appeal management decisions or deactivation.

The threshold for 4.1 involves a platform demonstrating the existence of clearly defined processes for communication between workers and the platform. This includes access by workers to a platform representative, and the ability to discuss decisions made about the worker. Platforms must be able to evidence that information about these processes is also easily accessible to workers.

To be awarded a point for 4.1, the platform must be able to show all of the following:

- The contract includes a documented channel for workers to communicate with a designated representative of the platform; and,
- The contract includes a documented process for workers to appeal disciplinary decisions or deactivations; and,
- The platform interface features a channel for workers to communicate with the platform; and,
- The platform interface features a process for workers to appeal disciplinary decisions or deactivations; and,
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.

4.2 There is equity in the management process or informed consent for data collection (one additional point)
There are two pathways for 4.2. First, there is an identifiable and documented policy that ensures equity in the way workers are managed on a platform. Second, data collection is documented with a clear purpose and informed consent.

In the first pathway, platforms must be able to demonstrate that there is 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. In addition, the platform must be able to demonstrate that it has mechanisms in place to actively prevent users from discriminating against any one group of workers in both accessing and carrying out their work duties[19].

In the second pathway, data collection is documented by the platform and accompanied by a clear purpose and explicit notification to workers. This is understood as an open and transparent process of data gathering, which informs the worker about what data will be gathered, for which purpose, and how their personal data will be protected[20].

To be awarded a point for 4.2, the platform must fulfil either of the following:

4.2.1 Equity
- There is a clear policy which guarantees that the platform will not discriminate against persons on the grounds of race, gender, sex, sexual orientation, gender identity, disability, religion or belief, age or any other status which is protected against discrimination in local law; and,
- The platform should take concrete measures to prevent discrimination and advance equality of opportunity on the basis of these grounds, including reasonable accommodation for pregnancy, disability, and religion or belief.

4.2.2 Data
The platform guarantees workers':
- Right to be informed of data collection and use of collected data; and,
- Right to a human- and machine-readable copy of all data collected relating to the workers activity on the platform; and,

In addition and where appropriate, workers will have the right to:
- Rectify inaccurate data; and,
- Request erasure of personal data; and,
- Request restriction of data; and,
- Clear explanations of all automated decision making.

Principle 5: Fair Representation

5.1 There are worker voice mechanisms and freedom of association (one point)
There is a documented process through which worker voice can be expressed. There is no evidence of freedom of association being prevented by the platform. There is no evidence that platforms refuse to communicate with designated representatives of workers

The first step for the justification of 5.1 is establishing the platform's attitude towards and engagement with workers' voice. This includes both listening to and responding to worker voice when raised with the platform, as well as clearly documenting for workers the process for engaging the platform in dialogue. Workers should be able to freely organise and associate with one another, regardless of employment status. Workers must not suffer discrimination for doing so. This includes the freedom to associate beyond the remit of organisational spaces (for example, via instant messaging applications).

To be awarded a point for 5.1, a platform must be able to demonstrate that:

- There is a documented process for the expression of worker voice.

5.2 There is a collective body of workers that is recognised, and that can undertake collective representation and bargaining (one additional point)
There is a collective body of workers that is publicly recognised and the platform is prepared to cooperate with collective representation and bargaining (or publicly commits to recognise a collective body where none yet exists).

This threshold requires the platform to engage with, or be prepared to engage with, collective bodies of workers that could take part in collective representation or bargaining. The collective body must be independent of the platform, and the majority of its members must be workers of the platform. It may be an official trade union, or alternatively a network or association of workers. Where such organisations do not exist, the platform can sign a public statement to indicate that they support the formation of a collective body.

To be awarded the point, the platform must:

- Publicly recognise an independent, collective body of workers or trade union and not have refused to participate in collective representation or bargaining. If such a body does not exist, it must:
- Sign a public statement of its willingness to recognise a collective body of workers or trade union.

Research and methodology

In its first year of activity (2018-19), the project has focussed on Cape Town and Johannesburg in South Africa, and Bangalore in India.

India and South Africa are two places that bring together characteristics that make both the spread of platforms and of confrontations with the labour movement very likely[22].

Both countries have high levels of internet connectivity, especially in the cities, alongside high levels of unemployment, and they both have labour markets characterised by serious implementation problems of otherwise often progressive legislation. These issues are not disconnected from one another. High levels of unemployment, which also leads to high levels of precarious and piecemeal work, facilitates the driving down of wages and working conditions.

Once widespread connectivity is thrown into the mix, the platform economy, with its flexible approach and its ease of access by both workers and users, can profit from these conditions and simultaneously exacerbate and entrench them.

India and South Africa are also characterised by influential labour movements, rooted in the experiences of decolonisation and the postcolonial settlement. This means that while the challenges are real and important, the potential to address them also exists.

In both countries, Fairwork collaborates with existing trade unions, organisers, labour lawyers, and platform workers who are all actively involved in grappling with the challenges posed by the digital economy in particular, and the conditions described above in general.

This roots the project in real existing labour relations on the ground, thus avoiding the imposition of an external framework, developed in isolation from local conditions.

The two countries also raised different specific issues, which are discussed below, alongside the platform rankings.

Finally, a number of characteristics in the principles need to be made compatible across different countries. Minimum wages, for example, which vary from one country to the other, can be difficult to calculate when it comes to piecemeal work, and they interact with different legal realities as well as different labour market characteristics.

It is important then for Fairwork to make its principles general enough to be universally relevant, while also incorporating a methodological approach that makes them applicable in any country that Fairwork surveys.

The project's aim is to both recognise local particularities and the specificities of both the labour market and the societies in which the platform workers operate, while also developing an international, generalisable, framework through which their work conditions can be compared and evaluated.

Our method

The project uses three simultaneous approaches to effectively measure fairness at work.

The process starts with desk research to ascertain which platforms are operating in each city, as well as noting the largest and most influential ones. This provides the overall range of the platforms that are ranked, as well as identifying points of contact or ways to access workers. Desk research also flags up any public information that could be used to score particular platforms (for instance the provision of particular services to workers, or ongoing disputes).

The second method involves approaching platforms for interviews. Interviews involve meeting with a platform manager and asking them to provide evidence for each point on the Fairwork ranking. 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 Fairwork principles. In cases where platform managers do not agree to interviews, we limit our scoring strategy to evidence obtained through desk research and worker interviews.

The third method is interviewing platform workers directly[23]. A sample of between 6-10 workers is interviewed for each platform. Workers are approached either through the platform directly or at known worker meeting points. These interviews do not aim to build a representative sample, but rather to confirm or refute that policies or practices are really in place on the platform.

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. For example, if a platform claims that an insurance policy is in place, workers can then be asked to confirm whether they are aware of this policy and if it works in practice. Final scores are collectively decided by the Fairwork team based on all three forms of information gathering. Points are only awarded if the platform is able to demonstrate that they meet the requirements stipulated for each threshold. If ambiguities or contradictory information between what platforms and workers report remains, then points are not awarded.

Findings

2019 Rankings

To see the detail of each company's score, please see: https://fair.work/ratings/

South Africa

Platform	Score (out of 10)
NoSweat	8
Bottles	7
Nomad Now	7
SweepSouth	7
Picup	5
Uber	5
Bolt (Taxify)	4
Domestly	4
Uber Eats	3
Wumdrop	2

India

Platform	Score (out of 10)
Flipkart	7
Dunzo	5
Bigbasket	5
Zomato	4
Swiggy	4
UrbanClap	4
Housejoy	4
Rapido	3

Uber Eats	3
Uber	2
Ola	2
Foodpanda	2

A number of patterns emerge from this process, which highlight both differences and similarities between the two countries' labour markets. These are worth drawing out in some detail.

Fair Pay

The principle of fair pay was met by all platforms in both India and South Africa. Throughout the empirical research for the project, the principle of pay was considered the most important - or at least most pressing - by workers in South Africa and India.

It is worth noting here that the minimum wages in South Africa and India are both significantly below a living wage rate, and there is no legal requirement for platforms that do not directly employ workers to ensure that these workers earn the minimum wage. All platforms were able to demonstrate that workers earned above the equivalent of the local minimum wage (category 1.1), except Uber Eats in South Africa.

There are methodological issues that relate to calculating wage rates for platform workers. In many of the cases examined by Fairwork, the platforms organised payment by piece rate, rather than paying salaries or hourly wages. As most minimum wage rates are based on pay over time, the evidence of earnings then has to be converted into a comparable rate (see annex 1). This has meant that some platforms had to provide additional evidence for pay rates.

Similarly, in India, all platforms scored the additional point relating to earnings above minimum wage after workers' regular costs were taken into account (category 1.2). In South Africa, all platforms achieved this point, except Uber Eats and Wumdrop. Unlike many other forms of work, many of the costs of the activity are borne by the workers, including transportation, equipment and maintenance, and so on. This is an example of the way that costs are displaced by platforms onto workers, undermining their overall earnings. It can be difficult for platforms to evidence these costs involved in the work, particularly if workers can make choices about what costs they take on. Nevertheless, some platforms like Bottles and Picup in South Africa actively calculate the costs involved in the work, adjusting the earning rates to take them into account. This is mainly to keep earnings high enough to ensure workers remain engaged, meaning that it is in the interest of platforms to pay above (or around) minimum wage levels.

Fair Conditions

In India, five platforms scored a point for mitigating risks at work (category 2.1). This relates to the provision of safety equipment or practises to ensure workers are not in danger, for example when working at a customer's house.

In particular, three platforms - UrbanClap, Flipkart, and Bigbasket - had introduced active measures to improve working conditions, including finance provision, insurance coverage, and considering weight for deliveries (category 2.2). Similarly, in India, some platforms also felt comfortable providing safety equipment (something that, in other places, can imply an employment relationship), for example, with Dunzo providing safety helmets to workers.

In South Africa, a greater proportion of platforms were awarded the first point for conditions (category 2.1), with six out of ten scoring points. The policies and practices related to the specific risks that many transport and domestic work platforms face in South Africa, particularly the high levels of crime in major cities. Four of these platforms - NoSweat, Nomad Now, SweepSouth, and Uber - received an additional point (category 2.2) for proactive measures, including actively reviewing jobs and ensuring that clients sign up to "fair and safe work guidelines", paying insurance, and an in-app panic button that was linked to a private security firm.

The move from policies or practices that mitigate risks (category 2.1) towards those that actively improve working conditions (category 2.2) has proven harder to delineate throughout the fieldwork. While a panic button could represent just the first point (2.1), the connection to a private security firm means that it has the potential to be considered as an active measure (2.2).

Fair Contracts

The question of access to contracts and their readability emerged frequently (category 3.1) in both South Africa and India.

This has significant ramifications for workers' understanding their work, their relationship with the platform, and their responsibilities. In South Africa, six platforms - NoSweat, Bottles, SweepSouth, Nomad Now, Picup, and Domestly - provided workers with access to their contract, while the other four platforms - Uber, Uber Eats, Bolt, and Wumdrop - provided workers access to their contract only via the terms and conditions on the app, with no ability to read after signing by tick box. In India, only one platform - Dunzo - was awarded a point for having the contract accessible to workers. The remaining platforms had inaccessible contracts, which even when they were available were written only in English, often using highly technical language. This meant that platforms could not be awarded a point if the overwhelming majority of workers spoke either Hindi, Kannada, and/or other regional languages.

In both South Africa and India, the issue of the nature of the employment relationship between the platforms and the workers was a frequent issue, with no platform awarded a point for genuinely reflecting the nature of the employment relationship (category 3.2). The lack of formal employment status is linked to broader issues of minimum wages, working

hours and health and safety, which are connected to whether or not the platforms view themselves as having any responsibility to the workers or whether they consider them simply as users of their connecting services.

Fair Management

In South Africa, all platforms were awarded the first point for management (category 4.1).

Points were awarded for a clear and documented process through which workers can communicate with a platform representative, and for raising issues related to the work. Only four platforms - NoSweat, Bottles, Nomad Now and Picup - scored an additional point for evidence of informed consent for data collection (category 4.2), with explicit consent in the contract, as well as minimisation of data collection in line with the work. Through discussions with platforms, those that had not been awarded a point had often not considered questions of data or equity in their management practices. This highlights the potential for further improvement in the years to follow.

In India, eight platforms achieved the

first point (category 4.1), with documented evidence of communication channels. However, only one platform - Flipkart - was awarded an additional point (category 4.2). Unlike South Africa, this was not due to evidence of fair data collection, but for a documented policy for ensuring equity of workers with different abilities, through an active equal opportunity hiring process for workers with disabilities, as well as providing specific equipment to facilitate their work process. Throughout the fieldwork, with no workers raising concerns, nor any platforms having considered it in their management approach.

Fair Representation

In South Africa, only four platforms - NoSweat, Bottles, SweepSouth, and Nomad Now - achieved a point for fair representation (category 5.1).

Points were awarded for policies that allowed workers to raise grievances confidentially, and mechanisms to support collective worker voice, or feedback by representatives. In India, fewer platforms were awarded a point, with only three meeting the requirements. These involved individual or collective grievance mechanisms. In part, the emergence of documented policies and practices for this first point can be traced to growing levels of worker discontent, particularly relating to fuel prices and wage levels. This also demonstrates the challenges of understanding what worker voice means within the context of their self-employment status, through which many forms of worker voice are considered unnecessary or illegitimate at present.

Only one platform - Bottles (South Africa) - received an additional point (category 5.2) for supporting the development of a workers' organisation that could collectively bargain and provide representation - if one were to exist. That this was the only example is a particularly concerning finding of the first year's rankings, as it underlines the lack of institutional agency that many workers face in the platform economy. The other aspects of work quality

across the principles are often the kinds of issues that could be raised through effective representation. This means that the development of policies and practices that can encourage voice and representation are particularly pressing for future years of Fairwork.

Outliers

Two companies deserve to be celebrated for their achievements in this first year of ranking.

In South Africa, NoSweat not only scored the highest score amongst all the platforms surveyed at 8/10, but also made the most changes of all the platforms following contact with the Fairwork team. Since being contacted by the project, it has implemented a formal policy to pay over the South African minimum wage – including after workers' costs are taken into account – and it now has a clear process to ensure clients on the platform agree to protect workers' health and safety, and for workers to lodge any grievances about conditions.

In India, it was Flipkart which topped the table with 7/10. Not only is this a good fairness score overall, it is also the only platform surveyed in India that was able to demonstrate its compliance with more than five out of ten Fairwork points. It stood out for its active commitment to providing equity for differently abled workers as well as through its ability to convincingly document a regular and independent worker voice mechanism. Flipkart's ranking is also significant given the generally poorer scores of Indian platforms when compared to their South African counterparts. Indeed, it demonstrates that it is possible to provide greater fairness within the gig economy in the Indian context.

Conclusions

After a year of research and the international launch of its first platform ratings, Fairwork has already contributed considerably to the emerging research and policy activity surrounding the gig economy, digital platforms, and workers' struggles within it.

Fairwork has started developing not only a more detailed map of how platforms in both India and South Africa operate, but has also constructed a framework through which they can be compared, both amongst each other and cross-nationally.

By striking a balance between general, internationally applicable principles (the five "Fairwork principles" and its ten-point rating system) on the one hand, and accounting for the specific ways in which these principles apply to the local labour market in each of the countries surveyed in the first year, the project has laid the foundation for an international standard of fairer work in the platform economy. Not only is this important for Fairwork's future research – which can now expand to well beyond these two countries – but also in how it can help in the development of international networks of solidarity and action across the gig economy.

Plans and impact

The Fairwork principles have already made modest but important contributions to improving work standards through its rankings of gig economy platforms

A great example of this is NoSweat who implemented minimum wage, health and safety and grievance policies after coming into contact with Fairwork. Similarly, the South African platform Bottles committed to supporting the emergence of independent, collective worker representation on its platform. This is an important step forward in an industry that is regularly described by policy makers, commentators, and academics alike as "unorganisable".

These first achievements point to greater possibilities in the future. Not only do they raise the possibilities of using international rating mechanisms to put pressure on platforms in general, they also set the bar for other platforms surveyed to relate to in the future. The risk of being outmaneuvered by the competition on the ethical front is dangerous for any platform that remains, after all, dependent on public use.

The Fairwork principles give workers themselves a framework under which to make demands of platforms and fight for better pay and conditions. If some platforms are prepared to pay above the minimum wage or recognise trade unions, there is no reason that others should continue to refuse to do so. The international comparison is also important for those workers who use platforms that are active across different countries.

It is here that the principles have the greatest potential to come into their own. If workers, unions, and labour lawyers – start using them as part of their tools in arguing and campaigning for better and fairer work conditions and pay, just as they did with the living wage, then the impact already achieved by the Fairwork principles can be significantly magnified.

Certification

Between yearly publications of its scores, Fairwork will work with platforms that wish to be certified. All information provided by companies will be cross-checked with publicly available data and reports, a whistleblowing feature on the Fairwork website, and occasional anonymous interviews with workers. In cases where there are discrepancies, Fairwork will seek further supporting evidence.

Credits

Fairwork draws on the expertise and experience of staff at the University of Oxford, the University of Cape Town, the International Institute of Information Technology Bangalore, the University of Manchester, the University of the Western Cape, and the Technical University of Berlin in work practices and working conditions on digital labour platforms. Project staff work to translate our principles into measurable thresholds, conduct rigorous research to evaluate platforms against those thresholds, and publish our results in a transparent manner.

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Appendix 1: weekly earnings table

When evidencing Principle 1: Fair pay when minimum wage is to be evidenced by the provision of transaction data or summary statistics. The platform is asked to submit a weekly earnings table (see Table 1) that averages worker earnings and worker hours for any three-month period over the previous twelve months.

Table 1. Weekly earnings table

Weekly earnings	<X	X to (X+(X/2))	(X+(X/2)+1[24]) to 2X	>2X
Active hours less than 40 hours/week (part-time)	%	%	%	%
Active hours between 40 and 48 hours/week (full-time)	%	%	%	%
Active hours more than 48 hours/week (full-time plus overtime)	%	%	%	%

Note: X = the local minimum wage, calculated at 45 hours per week. This row is filled out by the Fairwork team, before submitting it to the platform for completion[25].

Table 2. Weekly earnings table (hypothetical example for Platform A)

Weekly earnings	<100LC	100LC to 150LC	151LC to 200LC	>200LC
Active hours less than 40 hours/week (part-time)	20%	55%	25%	0%
Active hours between 40 and 48 hours/week (full-time)	3%	35%	46%	16%
Active hours more than 48 hours/week (full-time plus overtime)	0%	20%	55%	25%

Platform A operates in a country in which the minimum wage for 45h/week is a 100 units of the Local Currency (LC).

Platform A is an exemplary platform with a strong minimum wage policy. None of its personnel earns less than the weekly minimum wage while working 45 hours.

Only a small proportion of its staff earns less than 100LC and only amongst those working less than 45 hours/week.

Endnotes

1. "Platforms" are companies that use digital platforms to distribute piecemeal work to workers who need access to an app or website to undertake it.
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14. In South Africa the National Minimum Wage Act established the level at R20 an hour (or R3,500 per month). In India, the minimum wage level varies between kinds of work and location. In Bangalore, for unskilled it is 12,270.63 INR per month, semi-skilled 13,429.41 INR per month, and high skilled workers 16,106.20 INR per month, see website

15. Active hours include both direct (completing a task) and indirect (travelling to or waiting between tasks) working hours.
16. The starting point is the ILO's Occupational Safety and Health Convention, 1981 (No. 155). This stipulates that within traditional work, employers "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."
17. The ILO's Maritime Labour Convention 2006, Reg. 2.1, and the Domestic Workers Convention (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.
18. See, the ILO's Employment Relationship Recommendation, 2006 (No. 198). It will be considered that there is an employment relationship if one or more of the following characteristics are met:
19. 1) the fact that the work: is carried out according to the instructions and under the control of another party; involves the integration of the worker in the organization of the enterprise; is performed solely or mainly for the benefit of another person; must be carried out personally by the worker; is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work; is of a particular duration and has a certain continuity; requires the worker's availability; or involves the provision of tools, materials and machinery by the party requesting the work';
20. 2) periodic payment of remuneration to the worker; the fact that such remuneration constitutes the worker's sole or principal source of income; provision of payment in kind, such as food, lodging or transport; recognition of entitlements such as weekly rest and annual holidays; payment by the party requesting the work for travel undertaken by the worker in order to carry out the work; or absence of financial risk for the worker'.
21. See Article 5 of the ILO's Private Employment Agencies Convention (C181) and Article 4 of the Home Work Convention (C177).
22. See Article 6 of the ILO's Private Employment Agencies Convention (C181).
23. See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (CO87).
24. For more on this, see Wood, A. J., Lehdonvirta, V., and Graham, M. (2018a), Workers of the Internet unite? Online freelancer organisation among remote gig economy workers in six Asian and African countries, New Technology, Work and Employment, 33(2): 95-112; as well as Taylor, P., and Bain, P. (2005), "India calling to the far away towns": the call centre labour process and globalization, Work, Employment and Society, 19 (2): 261-282; Gupta, N., D. Martin, B. Hanrahan and J. O'Neill (2014), Turk-Life in India, in Proceedings of the ACM International Conference on Supporting Group Work (GROUP'14) Sanibel Island, 9–12 November; Graham, M., Lehdonvirta, V., Wood, A., Barnard, H., Hjorth, I., and Simon, D. P. (2017b), The Risks and Rewards of Online Gig Work At the Global Margins. Oxford: Oxford Internet Institute; Graham, M., Ojanpera, S., Anwar, M. A., and Friederici, N.

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25. The majority of these worker interviews were carried out by Mounika Neerukonda
    and Pradyumna Taduri, in India, and Paul Mungai in South Africa.
26. The "+1" is one unit of the lowest denomination of the currency, to ensure a
    boundary between the two figures
27. The table contains four columns of data. The first is the percentage of workers
    earning less than the minimum wage (X). The rows represent less than full time, full
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28. Evans, P., and Gawar, A. 2016. The Rise of the Platform Enterprise: A Global Survey,
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