

Realizing Decent Work in the Platform Economy

Context

and

Report V(4): Draft Convention and
Recommendation

This presentation

Part I – Context about the platform economy

Part II – The ILO standard setting:
a draft Convention and
Recommendation

Part I

Context about the platform economy

The platform economy



- ▶ No standard definition of the platform economy.
- ▶ Difficult to estimate the number of platform workers around the world (no standard definition and different measurement methods).
- ▶ The majority of digital platform workers are self-employed and work via service contracts.
- ▶ Work on platforms can either be a primary or secondary source of income for platform workers.



What are the characteristics of digital labour platforms?

- Diverse business models and work arrangements.
- Use of digital technologies to organize and/or facilitate work.
- Use of automated decision-making systems.
- Work can be **location based** or **online**.

What labour services could be provided through digital labour platforms?

ONLINE

- Professional services (accounting, project management, teaching).
- Creative and multimedia work (animation, graphic design, photo editing).
- Data-entry tasks (data entry, transcription).
- Microtasks (object classification, tagging, content review).

LOCATION BASED

- Delivery (food, groceries).
- Transport (passengers).
- Home services (furniture assembly, home repairs).
- Care services (childcare, healthcare, personal care).
- Domestic work.

National approaches

▶ **Globally:** a growth of laws and regulations in the last 3 years.

In 2024 Office estimated < **30** specific laws but now > **80**.

Regulation is not the only approach (e.g. case law, national policies on digitization and employment promotion etc.).

Focus: Often on specific types of digital labour platforms (e.g. ride-hailing and delivery).

Responsible ministries: Vary (e.g. labour ministries, transport ministries, tax authorities, and ministries responsible for digitisation).

Wider engagement and social dialogue: Engagement with unions, employers, digital labour platforms and platform workers.

To what extent do regulations exist?

▶ Of those countries that have regulations, there are **different approaches**.

- ▶ Some **amend their existing labour laws** to include some rules relating to digital platform work. This may include “classification”.
- ▶ Some **extend their OSH or social security laws** to include platform workers and platform work.
- ▶ A few have **passed a very specific law** for digital platform work.
- ▶ Some **amend the law in a sector** to include platform work (e.g. amendments to transport law).

Some countries are doing a combination of these in more than one law

Final observations

A focus in national responses to passenger transportation or the delivery sectors rather than wider platform work.

Case law on classification (e.g. classification as independent contractors/self employed or employees).

No standard approach to regulation, but common issues reflected in laws (e.g. remuneration/payment; deactivation of accounts and transparency of automated decision making).

Role of various government agencies beyond labour ministries.

Legal frameworks are still relatively new.

Policies and practices – questions

- ▶ What policies exist or are discussed in your country on this topic?
- ▶ What social dialogue is taking place in your country?

Part II

Standard setting on decent work in the platform economy

▶ Background to the standard-setting process

- ▶ **Meeting of Experts on Decent Work in the Platform Economy** (October 2022)
- ▶ Normative gap analysis on decent work in the platform economy (March 2023)
- ▶ **ILO Governing Body (March 2023)** decided to place on the agenda of the 113th Session (June 2025) a standard-setting item on decent work in the platform economy with a double-discussion procedure



The standard setting process: Decent work in the platform economy

Jan 2024



Law and practice report and questionnaire shared with governments on the form, scope and content of possible standards.

Feb 2025



Yellow report
Summarized replies to the questionnaire. **Proposed conclusions** for consideration by the ILC.

June 2025



Aug 2025



Brown report
Draft Convention and Recommendation. **Requested the views of tripartite constituents.**

March 2026



Blue report
Revised draft Convention and Recommendation.

June 2026



ILC 2025



- The Conference Committee agreed:
 - the standards should take the form of a **Convention** accompanied by a **Recommendation**;
 - on the *definitions*, the *scope* of the standards and one provision relating to the *use of automated systems*.

The other proposed conclusions were not discussed due to time constraints

Released in **August 2025** accompanied by a form for replies.

Included commentary by the Office.

Contained the **draft texts of a Convention and Recommendation** for constituents to consider.

Invited constituents to share their views on the texts (and the Office has also asked some additional questions in the report for constituents' consideration).

Some key points in which the Office invited comments

- On certain Articles:
 - being more suitable for a Recommendation;
 - benefiting from a reformulation (e.g. OSH);
 - being removed;
 - being consolidated.

Replies to the brown report — General preferences

Constituents raised several points in their replies to the brown report.

Principles-based Convention

A more principles-based Convention, without compromising adequate protections for digital platform workers.

Flexibility for national implementation

Further flexibility to facilitate implementation in light of different national circumstances, particularly relating to digital platform workers with different employment statuses.

Agreed text from the ILC Committee 2025 not changed

The text agreed at the International Labour Conference 2025 should not be changed.

Length of the instruments

Reducing the length of the instruments.

The blue report

Report V(4): Draft Convention and Recommendation



Topics covered in the draft instrument

- Definitions and scope
- Fundamental principles and rights at work
- Occupational safety and health
- Violence and harassment
- Employment promotion
- Classification with respect to the existence of an employment relationship
- The use of intermediaries
- Remuneration or payment
- Social security
- Impact of the use of automated systems
- Protection of digital platform workers' personal data and privacy
- Suspension or deactivation of account and termination of employment or engagement
- Protection of migrants and refugees
- Terms and conditions of employment or engagement
- Freedom of association, social dialogue and the role of workers' and employers' organisations
- Dispute resolution and remedies
- Compliance and enforcement
- Implementation

1. A principles-based Convention

▶ Amendments to some text to **elevate some provisions to express higher level principles.**

On workers personal data – Article 15 (consolidated):

Members establish effective safeguards and ensure that it is processed strictly to the extent necessary for their employment or engagement.

- Moved some more **detailed provisions to the draft Recommendation.**

Specific prohibitions relating to processing workers (e.g. personal data relating to private conversations, union membership and other sensitive data, etc.).

2. Less detailed and more simplified provisions in the Convention – streamlining language

- Some provisions were simplified through **streamlining of language**.
 - *Violence and harassment (Article. 6).*
 - *Classification with respect to the employment relationship (Article 8).*

In some cases, constituents wanted to add more detail to provisions.

▶ Responding to the **diversity of approaches** among Member States.

Occupational Safety and Health:

- Article 4(1) requires Members *to take appropriate measures for the prevention of occupational accidents, diseases affecting workers etc.*;
- Article 4(2): In implementing the above, Members *shall specify the relevant OSH functions and responsibilities of public authorities, digital labour platforms, digital platform workers, and other relevant actors.*

4. Application to employees and workers not in an employment relationship

- Concerns raised about the application of some provisions to workers who are **not in an employment relationship (i.e. self-employed)**.
- Two mechanisms used by the Office:
 - specifically distinguishing between **employees** and **other workers** in limited circumstances (two provisions);
 - flexible language referring to classification status of a worker within a provision.

Differentiation between employees and those not in an employment relationship

▶ Article 9 (Remuneration or payment)

- Article 9(1) sets out principles that apply to **all digital platform workers**.
- Article 9(2) applies to workers in an **employment relationship** in relation to adequate remuneration.
- Article 9(3): States would be required to assess whether it would be possible and appropriate to extend its application to those who are **not in an employment relationship**.

Flexible language referring to classification status of a worker

Paragraph 11 - example

- ▶ Members should, **as appropriate and considering the classification of digital platform workers' status in employment**, take measures to ensure that they:
 - are adequately protected in relation to maximum hours of work and minimum rest periods;
 - [.....]
 - can decline a task or disconnect from a digital labour platform without retaliation.

A number of changes to the draft instruments as outlined in the blue report.

The Office sought to reflect and balance the diverse views of constituents in preparing the text of the draft Convention and Recommendation.

A more principles-based Convention, without compromising adequate protections for digital platform workers.

The Conference Committee will commence its second discussion on the 1st of June.



THANK YOU