* Questionnaire

As noted in the introduction to this report, at its 347th Session (March 2023) the ILO Governing Body decided to place on the agenda of the 113th Session (June 2025) of the International Labour Conference a standard-setting item on decent work in the platform economy (double discussion).[[1]](#footnote-1)

Governments are requested to provide their views on the form, scope and content of the future standards by responding to this questionnaire, after consultation with the most representative organizations of employers and workers. Reasons should be given for their replies and the organizations consulted should be indicated. Governments are also reminded of the importance of ensuring that all relevant departments or ministries that have oversight or other functions connected to the platform economy are involved in responding to this questionnaire.

In order for the Office to take account of the replies to this questionnaire, governments are requested to submit their replies to the Office no later than 31 August 2024.

The questionnaire includes four possibilities for the type of instrument or instruments that could be adopted: a Convention; a Recommendation; a Convention supplemented by a Recommendation; or a Convention comprising provisions that would be mandatory and provisions that would provide guidance.

The questions are divided into thematic areas. Each thematic area includes both questions related to provisions that could be considered to be mandatory and questions related to provisions that could be considered to provide guidance. The provisions that could be considered mandatory would reflect principles, rights and obligations that are applicable to all digital platform workers as they address core aspects of decent work in the platform economy. The provisions that could be considered to provide guidance would deal with specific details of the implementation of the principles, rights and obligations, or aspects that are either not yet ripe for mandatory norms or more suitably addressed under non-mandatory norms. Governments are therefore invited to comment not only on the content of the possible provisions but also on whether they should be mandatory or provide guidance.

The structure of the questionnaire in no way limits the right of the International Labour Conference to decide on the most appropriate form of the instrument or instruments.

Furthermore, the questionnaire seeks constituents’ views on whether the instrument or instruments should include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms. Should there be support, the Office would prepare, ahead of the first discussion by the Conference, more detailed information on the possible design of an amendment procedure for this purpose.

Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit replies to platformeconomy@ilo.org. Respondents may also submit their replies in hard copy to the Conditions of Work and Equality Department (WORKQUALITY) at the International Labour Office in Geneva.

I. Form of the international instrument or instruments

1. Should the International Labour Conference adopt an instrument or instruments concerning decent work in the platform economy?

[x]  Yes [ ]  No

**Comments**

Click or tap here to enter text.

1. If so, should the instrument or instruments take the form of:
	1. a Convention?

[ ]

* 1. a Recommendation?

[x]

* 1. a Convention supplemented by a Recommendation?

[ ]

* 1. a Convention comprising mandatory provisions and provisions providing guidance?

[ ]

**Comments**

The platform economy is characterized by its diversity and strong localization. Numerous business models can be classified as platform work, making it difficult for a legally binding instrument to encompass this diversity meaningfully.

A Recommendation provides greater flexibility for Member States. It can serve as guidance, considering each country's different development levels and unique national contexts. This flexibility is crucial given the evolving nature of the platform economy and the emergence of new work opportunities, particularly in developing countries.

A legally binding Convention might be overly rigid and fail to account for varying national circumstances. These diverse conditions could significantly hinder ratification. Additionally, a Convention could introduce more legal uncertainty, as many governments already regulate this sector based on existing ILO instruments, such as the Employment Relationship Recommendation (2006), No. 198.

Moreover, a Convention with both mandatory and non-mandatory provisions would complicate an already challenging discussion. A Recommendation is better suited to address this issue, considering the diverse business models. It can help maximize the opportunities for work, entrepreneurship, and formalization that the platform economy offers, which is especially vital for developing countries.

II. Preamble

1. Should the Preamble of the instrument or instruments recognize that the growth of the platform economy, including the expansion of digital labour platforms, has increased opportunities for job creation and work-related income and for enterprise and business development, while noting at the same time that it is significantly transforming the way work is organized and performed, with challenges for achieving decent work in the platform economy?

[ ]  Yes [x]  No

**Comments**

Proposal to rephrase the sentence to:

*The Preamble of the instrument or instruments should recognize that the growth of the platform economy, including the expansion of digital labour platforms, has increased opportunities for job creation and work-related income and for enterprise and business development. The Preamble should further recognize that, given the digital nature of the platform economy, platform work has offered a new path for formalization of work. It has created unique access to decent work opportunities in countries of all development stages.*

The Preamble should specifically also recognise the opportunities which come with the platform economy, such as:

• Providing access to decent work and income

• Promoting the transition from informality to formality

• Allowing workers to control their own work and contributing to work-life balance

• Promoting inclusion of marginalised groups or groups in vulnerable situations

• Improving access to work in rural areas

• Offering unique flexibility for workers

• Supporting workers who are balancing work and care responsibilities

• Improving access to services or enhancing services in underserviced areas

1. Should the Preamble of the instrument or instruments recall that international labour Conventions and Recommendations apply to all workers, including digital platform workers, unless otherwise provided?

[ ]  Yes [x]  No

**Comments**

The scope of each instrument is clearly defined within its own text. Conventions and Recommendations are independent instruments that should remain unchallenged and not be undermined. They apply specifically to the workers outlined in their respective provisions.

1. Should the Preamble of the instrument or instruments underline that the specificities of work on or through digital labour platforms make it desirable to supplement the general standards by standards specific to digital platform workers, to enable them to fully enjoy their rights and to promote fair competition?

[ ]  Yes [x]  No

**Comments**

Fair competition pertains to digital platforms themselves, rather than the digital platform workers. National governments are already addressing the regulation of platform work through existing and relevant ILO standards.

1. Should the Preamble of the instrument or instruments acknowledge the significance of the implications on working conditions of the use of algorithms for organizing, supervising and evaluating work on or through digital labour platforms?

[ ]  Yes [x]  No

**Comments**

Algorithms are not exclusive to digital labor platforms; they are extensively utilized by various types of businesses and consumers. These algorithms operate automatically based on criteria established by humans. Managing algorithms falls within the purview of platform operators, allowing them to run their businesses as they deem appropriate. Moreover, terms like 'supervising' and 'evaluating' suggest an employment relationship due to the element of subordination, which is generally not applicable to platform work. Additionally, given the widespread use of algorithms, focusing solely on the platform economy could lead to a disproportionate and uneven regulatory approach.

1. Should other considerations be included in the Preamble of the instrument or instruments?

[x]  Yes [ ]  No

**Please specify**

The Preamble should also underscore:

* The importance of preserving the unique value proposition of digital platform work, such as the unprecedented flexibility for workers
* That workers have control over their work schedules
* The low barrier to entry to the labor market provided by platform work
* The access it offers to persons with disabilities, migrants, and other marginalized groups
* The benefits for consumers who gain more affordable access to essential goods and services
* The significance of promoting free enterprise and entrepreneurship
* The long-term contribution to the formalization of employment
* The efficiency improvements brought about by the use of algorithms, including in the way work is offered
* The unique contribution of the platform economy during the COVID-19 pandemic
* The importance of investing in digital infrastructure and digital skills
* The enhancement of safety due to the digital nature of the work
* The need to consider the variety of business models
* The need to take into account national circumstances

III. Definitions

1. For the purposes of the instrument or instruments, should the term “digital labour platform” mean a natural or legal person that provides, through digital tools such as a website or an application, a service involving the performance of work by a person for remuneration, irrespective of whether that work is performed online (online digital labour platforms) or in a specific geographic location (location-based digital labour platforms)?

[ ]  Yes [x]  No

**Comments**

The definition should:

* Include that digital labor platforms provide a matching service, connecting requestors with service providers/workers. It is important to emphasize that digital labor platforms do not "provide (...) a service"; they offer access to service providers.
* Avoid referring to 'a website' or an 'application' to prevent unnecessarily including any company that has a website or an application.
* Avoid referring to 'remuneration' as it implies an employment relationship, which does not accurately represent the majority of the platform economy. Instead, it should be 'remuneration or service payments'.
1. For the purposes of the instrument or instruments, should the term “intermediary” mean a natural or legal person that provides access to work on or through a digital labour platform, by subcontracting or otherwise?

[ ]  Yes [x]  No

**Comments**

There is no necessity for defining an “intermediary” as they are not included in the scope (question 14). Moreover, there is ambiguity in distinguishing between question 8 and question 9, and intermediaries are again not listed under the scope (question 14). Subcontracting is a legitimate business practice, and defining intermediaries could introduce confusion and uncertainty given the wide range of entities and models that might fall under this definition. These entities can include employers of couriers or drivers, car rental companies, and organizations providing purely administrative support, among others. The focus of the instrument should remain on digital platform companies and digital platform workers.

1. For the purposes of the instrument or instruments, should the term “digital platform worker” mean a person who is employed or engaged to work on or through a digital labour platform,[[2]](#footnote-2) regardless of their employment status or whether they work formally or informally?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to:

*For the purposes of the instrument or instruments, the term “digital platform worker” should mean a person who is engaged to carry out tasks or projects, or who chooses to offer their services, on or through a digital labour platform, regardless of their employment status.*

The definition should avoid addressing working conditions. Additionally, the digital nature of platform work is a crucial factor in enabling formalization

1. For the purposes of the instrument or instruments, should the term “remuneration” mean the financial compensation payable to a digital platform worker, regardless of their employment status, in exchange for the work they perform on or through a digital labour platform?

[ ]  Yes [x]  No

**Comments**

Remuneration implies an employment relationship, which does not accurately represent the platform economy. The appropriate terminology should be “remuneration or service payments.”

1. For the purposes of the instrument or instruments, should the term “hours of work” mean the time during which digital platform workers are at the disposal of a digital labour platform, including when they are waiting for work assignments?

[ ]  Yes [x]  No

**Comments**

· Firstly, in most cases, platform workers are not “at the disposal of a digital labor platform”; rather, the platforms are at the disposal of workers. In fact, workers often use multiple platforms simultaneously (“multi-apping”).

· The question overlooks the reality that some business models allow service providers to set their own rates, irrespective of the duration of the task or project.

· "Hours of work" or "working hours" implies an employment relationship. In most cases, platform workers are paid based on the tasks or projects they accept.

· Platforms may not necessarily have visibility into the duration of a task or project, making it challenging to capture time worked. This is particularly true for creative industries.

· Workers may be “online” with one platform but otherwise occupied with rejecting a task, attending to personal commitments, or working for other companies.

1. Should any other terms be defined by the instrument or instruments? If yes, please provide particulars?

[x]  Yes [ ]  No

**Comments**

The instrument should define “requestor” to clearly identify the individual or entity that seeks the services or skills of the digital platform worker.

IV. Purpose and scope

1. Should the instrument or instruments apply to:
	1. all digital labour platforms?

[x]  Yes [ ]  No

* 1. all digital platform workers?

[x]  Yes [ ]  No

**Comments**

-

1. Should the instrument or instruments provide that, where special problems of a substantial nature arise, each Member may, at the time of ratification and following consultation with representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, exclude from the application of all or part of their provisions:
	1. limited categories of digital labour platforms?

☐ Yes ☐ No

* 1. limited categories of digital platform workers?

☐ Yes ☐ No

**Comments**

Cannot fill the boxes:

1. NO
2. NO

Comments:

Firstly, it is crucial to engage in consultations with representative social partners.

Secondly, this provision introduces a high degree of subjectivity, which is not beneficial and could lead to selective application of the standard. Excluding certain platforms would create inconsistency; therefore, it should be universally applicable.

Thirdly, allowing the exclusion of certain platforms poses the risk of unlawful interference with contractual freedom. Additionally, since the social partners have not yet agreed on the final form of the instrument, referring to ratification at this stage is premature.

1. Should the instrument or instruments provide that each Member should take measures to ensure that, in implementing their provisions, digital platform workers in an employment relationship enjoy protection no less favourable than that enjoyed by workers in an employment relationship generally?

[ ]  Yes [x]  No

**Comments**

The term ‘less favorable’ is subjective and introduces value judgments on what constitutes ‘favorable’ or ‘less favorable’. Member States should retain the right to implement specific employment protections for employed platform workers in accordance with their national laws and local circumstances.

V. Substantive content of the instrument or instruments

A. Fundamental principles and rights at work

Mandatory

1. Should the instrument or instruments underline that each Member should take measures to ensure that digital platform workers enjoy the fundamental principles and rights at work, namely:
	1. freedom of association and the effective recognition of the right to collective bargaining;

[ ]  Yes [x]  No

* 1. the elimination of all forms of forced or compulsory labour;

[x]  Yes [ ]  No

* 1. the effective abolition of child labour;

[x]  Yes [ ]  No

* 1. the elimination of discrimination in respect of employment and occupation;

[x]  Yes [ ]  No

* 1. a safe and healthy working environment?

[x]  Yes [ ]  No

**Comments**

Industrial relations systems vary widely and are influenced by unique historical, social, and economic factors. Each Member State should take measures to ensure that workers enjoy the fundamental principles and rights at work as defined by the Fundamental Conventions and Recommendations ratified by the respective Member States, in line with their national laws on collective bargaining. In many Member States, allowing collective bargaining for independent contractors conflicts with competition law and could result in cartel-like behavior. Collective agreements between companies and independent contractors can eliminate wage competition by setting fixed labor prices. The European Court of Human Rights has clarified that the right to form a trade union is applicable only within an employment relationship. Furthermore, it is important to differentiate between freedom of association and the right to collective bargaining, with the latter being relevant only in the presence of an employment relationship

B. Occupational safety and health

Mandatory

1. Should the instrument or instruments provide that each Member should require digital labour platforms to take appropriate steps commensurate with their degree of control to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by assessing physical and psychosocial risks and taking the adequate preventive and control measures?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to:

*The instrument or instruments provide that each Member should encourage digital labour platforms to take appropriate steps commensurate with their degree of influence to prevent accidents and injury*

Accidents and injuries can arise from numerous causes, many of which are beyond the control of digital labor platforms. For instance, platforms cannot influence poor public infrastructure, weak enforcement of regulations, or a lack of education and awareness.

* It is the Government's responsibility to ensure occupational safety and health (OSH) standards are met.
* Many platform workers simultaneously use multiple applications, making it unclear which platform holds OSH responsibility. This further underscores the critical role of the Government in maintaining OSH standards.
1. Should the instrument or instruments provide that each Member should take appropriate measures to ensure that:
	1. equipment used to perform work on or through digital labour platforms does not entail dangers for the safety and health of digital platform workers;

[ ]  Yes [x]  No

* 1. digital platform workers receive appropriate information and training in occupational safety and health;

[ ]  Yes [x]  No

* 1. digital platform workers have the right to remove themselves from a work situation which they believe presents an imminent and serious danger to their life or health;

[x]  Yes [ ]  No

* 1. digital platform workers report to a representative of the digital labour platform any situation in which they have reasonable justification to believe it presents an imminent and serious danger to their life or health;

[ ]  Yes [x]  No

* 1. adequate personal protective clothing and equipment, which are necessary when hazards cannot be otherwise reasonably prevented or controlled, are provided by the digital labour platform without any cost to the worker?

[ ]  Yes [x]  No

**Comments**

The questionnaire introduction refers to 'each Member,' emphasizing that the responsibility falls on the Government, not the platform. The word 'ensure' in the same context further clarifies that these duties should not be delegated to platforms. In some jurisdictions, such delegation could lead to classification liabilities.

(a) Typically, platform workers supply their own equipment, training, and qualifications. They also evaluate safety risks. In some countries, these workers can receive tax deductions for their purchases and tool maintenance.

(b) Digital platform workers must secure their own occupational safety and health (OSH) training, especially since they can switch between multiple platforms easily. For platforms offering diverse online tasks, it is unclear what specific OSH training would be appropriate.

(c) Serious and immediate dangers to life and health should be reported to emergency services rather than a digital labor platform.

(d) In many employment situations, providing personal protective equipment (PPE) is not a universal requirement for employers; it depends on the specific context and what PPE is deemed necessary. The mobility of platform workers between different platforms complicates assigning responsibilities to platforms. Moreover, this question seems to be biased towards location-based platforms.

1. Should the instrument or instruments provide that, in the course of performing their work, digital platform workers should comply with the prescribed occupational safety and health measures and cooperate in the fulfilment by digital labour platforms of the occupational safety and health obligations placed upon them?

[ ]  Yes [x]  No

**Comments**

Occupational safety and health (OSH) measures are specific to each country and sector. ILO Convention 155 already offers Member States adequate guidance for creating local health and safety laws. Additionally, platform workers must also bear some responsibility for their own safety

1. Should the instrument or instruments provide that, when the protection of digital platform workers in case of employment injury is not ensured through existing social security schemes, each Member should require digital labour platforms to extend such protection to the digital platform workers they employ or engage?

[ ]  Yes [x]  No

**Comments**

‘Employment injury’ is applicable only in the context of an employment relationship. Member States can enhance access to sustainable social security systems. This arrangement is governed by a commercial contract, not a labor contract.

Guidance

1. Should the instrument or instruments provide that Members should encourage digital labour platforms to provide digital platform workers, as appropriate to the nature of work performed, with access to sanitary facilities and drinking water?

[ ]  Yes [x]  No

**Comments**

Access to sanitary facilities and drinking water is crucial and should be promoted whenever possible, in line with SDG 6, which emphasizes “clean water and sanitation for all.” However, this responsibility should not fall on platform companies. Imposing such development obligations on a small subset of companies is impractical, particularly given the digital nature of platform work.

C. Violence and harassment

Mandatory

1. Should the instrument or instruments provide that each Member should take appropriate measures to effectively protect digital platform workers against violence and harassment in the world of work, including gender-based violence and harassment and, where appropriate, violence and harassment involving third parties such as clients and customers, including when perpetrated online, consistent with the right of everyone to a world of work free from violence and harassment, as recognized in the Violence and Harassment Convention, 2019 (No. 190)?

[ ]  Yes [x]  No

**Comments**

‘Consistent with’ should be replaced with ‘taking into account’. The original wording suggests a precondition for all Member States to ratify ILO Convention 190, which is not appropriate. Additionally, it is unclear why digital platform workers should be singled out compared to other workers.

D. Employment promotion

Mandatory

1. Should the instrument or instruments provide that each Member should make it an aim of national policy to promote the creation of decent jobs and encourage career and skills development in the platform economy, consistent with the goal of full, productive and freely chosen employment as set forth in the Employment Policy Convention, 1964 (No. 122)?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to:

*The instrument or instruments provide that each Member should make it an aim of national policy to promote the creation of decent jobs and encourage career and skills development in the platform economy.*

Not all platform workers are employed. Many workers prefer to remain independent contractors, and measures should respect this diversity of goals without assuming employment as a universal objective. ILO Convention 122 does not address self-employed or independent contractors. Therefore, it is unnecessary to be overly prescriptive; national circumstances must be taken into account.

Guidance

1. Should the instrument or instruments provide that Members should promote opportunities for further training and education for skills development and portable competencies for digital platform workers, in order for them to enjoy decent work, improve their employment prospects and respond to changing technology and labour market conditions?

[ ]  Yes [x]  No

**Comments**

Suggested rephrasing:

The instrument should provide that Members should promote opportunities for further training and education for skills development, including core skills, for digital platform workers, in order to respond to changing technology and labour market conditions. Such training and education opportunities should be part of national skilling and lifelong learning strategies, offered to everyone in the labour force.

1. Should the instrument or instruments provide that Members should promote measures to reduce barriers for disadvantaged groups to work on or through digital labour platforms?

[x]  Yes [ ]  No

**Comments**

Digital labor platforms are among the most accessible sources of work in today’s economy. The instrument should emphasize the importance of ensuring digital platform work remains accessible. This applies not only to disadvantaged groups but also to those in vulnerable situations.

E. The employment relationship

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to ensure the adequate classification of digital platform workers in relation to the existence of an employment relationship, based on the primacy-of-facts principle as set out in the Employment Relationship Recommendation, 2006 (No. 198), taking into account the specificities of work on or through digital labour platforms?[[3]](#footnote-3)

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to the below:

*The instrument or instruments provide that each Member should take measures to ensure the adequate classification of digital platform workers in relation to the existence of an employment relationship, taking into account the Employment Relationship Recommendation, 2006 (No. 198), and other specificities of work on or through digital labour platforms.*

Many Member States have already taken steps to address classification in line with their local conditions, consistent with Recommendation 198. Mandating the use of ‘based on primacy of facts principles’ obliges Governments to base classification on this approach. This should not be made into a Convention with mandatory provisions but should rather depend on national circumstances. For example, Australia, the UK, India, Singapore, and Ontario, Canada, have their own classification systems. Countries should have the sovereign right to choose the classification system that best suits their needs and should respect the choices and preferences of digital platform workers.

1. Should the instrument or instruments provide that the measures adopted by Members concerning the determination of the existence of an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that digital platform workers in an employment relationship have the protection they are due?

[x]  Yes [ ]  No

**Comments**

It is important to respect civil and commercial relationships, as agreed upon by the parties involved. Recommendation No. 198 requires respect for commercial relationships.

Guidance

1. Should the instrument or instruments provide that Members should review at appropriate intervals and, if necessary, clarify and adapt the scope of relevant laws and regulations, in order to ensure the adequate classification of digital platform workers in relation to the employment relationship in the changing world of work?

[ ]  Yes [x]  No

**Comments**

This question underestimates Member States’ ability to establish effective laws and regulations. Furthermore, Recommendation No. 198 has already set a suitable standard for classification, including a measure that encourages Member States to review national policies at appropriate intervals. Since Member States globally are already acting in accordance with this Recommendation, reiterating it here is unnecessary.

F. The use of intermediaries

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to ensure that, where the use of intermediaries is permitted, their activities should be adequately regulated, and the respective responsibilities of digital labour platforms and intermediaries, including in respect of occupational safety and health, and the payment of remuneration and social security contributions, should be determined and allocated in accordance with national law and practice?

[ ]  Yes [x]  No

**Comments**

As mentioned in response to Q.9, intermediaries are not included in the scope of this instrument. Expanding the scope to cover intermediaries could create confusion and uncertainty, given the wide diversity of entities and models that would be affected. Each intermediary's engagement and relationship with platform companies and digital platform workers can vary significantly.

G. Remuneration and working time

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to ensure that the remuneration payable to digital platform workers is:
	1. adequate and includes, as appropriate, fair piece rates;

[ ]  Yes [x]  No

* 1. paid regularly, in legal tender and in full, in accordance with contractual obligations, national laws, regulations and collective agreements, and not unduly withheld?

[ ]  Yes [x]  No

**Comments**

"Remuneration" is typically associated with an employment relationship; "Remuneration and service payments" is more inclusive and reflective of the platform economy. Additionally, this question appears dismissive of platforms where workers set their own rates.

(a) ‘Adequate’ is subjective and is a generic term. ‘Fair piece rates’ is unclear and a restrictive concept.

(b) ‘Regularly’ is a cadence commonly applied to employed persons. ‘Not unduly withheld’ has a value judgment and negative connotation.

1. Should the instrument or instruments provide that, in assessing compliance with applicable laws, regulations or collective agreements on the amount of remuneration, the following should not be considered part of the remuneration payable to the digital platform worker:
	1. any expenses or other costs necessary to carry out their work;

[x]  Yes [ ]  No

* 1. tips and other gratuities?

[ ]  Yes [x]  No

**Comments**

This question is confusing for both native and non-native English speakers. The definition of compensation within compliance is highly specific to each jurisdiction and should be determined by individual Member States. Digital platform workers, being independent contractors, control their own expenses, which should be excluded from compliance assessments. While tips belong to the worker, laws and practices regarding them vary by country, so Member States should have the discretion to handle this. Moreover, it should use the term “remuneration or service payments” to be inclusive of both employees and independent contractors.

1. Should the instrument or instruments provide that each Member should provide that digital labour platforms should only be permitted to make deductions from digital platform workers’ remuneration under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement, and should be prohibited from charging any fees or costs, directly or indirectly, in whole or in part, to digital platform workers?

[ ]  Yes [x]  No

**Comments**

The question conflates two distinct issues: deductions and charging fees or costs. The context of deductions varies and may include service charges. Limiting deductions could pose challenges given the diverse nature of platforms and their business models.

Regarding the latter part of the question, fair recruitment principles are essential. For digital labor platforms that employ workers, employees should not have to pay a fee to access the platform. However, most digital platform companies provide a platform for self-employed workers to connect with clients/requestors of services. In these instances, digital labor platforms offer technological services to platform workers and should be allowed to charge fees or costs to users. Prohibiting platform companies from collecting fees could jeopardize their entire business model. Deductions should be transparent and comply with national laws, regulations, and collective agreements, but digital platform companies must retain the ability to charge digital platform workers for fees or costs.

1. Should the instrument or instruments provide that each Member should require digital labour platforms to regularly provide digital platform workers with accurate and easily understandable information on their remuneration and any deductions made?

[ ]  Yes [x]  No

**Comments**

Propose to reframe to:

*The instrument or instruments provide each Member should encourage digital labour platforms to provide digital platform workers with information on their renumeration or service payments and any deductions made.*

‘Easily understandable’ is subjective.

1. Should the instrument or instruments provide that each Member should take measures to ensure, in accordance with national laws, regulations or collective agreements, adequate protection of digital platform workers in relation to:
	1. hours of work;

☐ Yes ☐ No

* 1. rest breaks;

☐ Yes ☐ No

* 1. daily and weekly rest?

☐ Yes ☐ No

**Comments**

Cannot fill the boxes a), b), c)

1. NO
2. NO
3. NO

Self-employed digital platform workers have the flexibility to work or not work at times that best suit them. The elements mentioned above are typically relevant in an employment relationship. Imposing set hours of work, rest breaks, and daily and weekly rest periods does not provide the flexibility and independence that platform workers desire and need. These restrictions impact their preferences regarding when and where to work. The uniqueness of platforms lies in the flexibility they offer, which workers appreciate. Additionally, it is impractical to monitor hours since platform workers may use multiple applications simultaneously or work in online-based roles. It is the responsibility of individuals to manage their own work hours. Platforms can provide general information without infringing on the privacy of platform workers.

Guidance

1. Should the instrument or instruments provide that Members should take measures to ensure that the remuneration payable to digital platform workers is at least equivalent to the statutory or negotiated minimum wage, calculated according to the same method, that is applicable to workers in a comparable situation, where it exists?

[ ]  Yes [x]  No

**Comments**

Minimum wages are typically associated with employment, whereas platform work is primarily task- or project-based. This makes it challenging to compare and calculate minimum wages. Hourly or monthly minimum wages are not applicable to self-employed platform workers. Additionally, the questionnaire does not consider that some platforms allow workers to set their own rates. State interference should be minimal and only in situations where it can enhance the entrepreneurial business environment.

1. Should the instrument or instruments provide that Members should establish guidance on the payment of tips and other gratuities to ensure that they are received by digital platform workers?

[ ]  Yes [x]  No

**Comments**

Tips belong to the worker. It should be up to governments to decide if they wish to provide guidance on this matter, in consultation with social partners. This approach might be overly prescriptive and unnecessary.

1. Should the instrument or instruments provide that Members should establish a method to determine the remuneration payable to digital platform workers for periods of time during which they are at the disposal of the platform and waiting for work assignments?

[ ]  Yes [x]  No

**Comments**

Platform workers who are independent contractors are not "at the disposal of the platform"; rather, the platform is at their disposal. They are compensated for the tasks and projects they accept and complete. Platform workers can log in and log off at any time. When not actively completing a task, they might be rejecting tasks, working for other companies, or attending to personal commitments. Workers have full autonomy and control over their time when not actively completing tasks, and digital labor platforms should not be responsible for compensating this time. Countries have different experiences, and this question should not drive constituents to focus on hours worked.

Additionally, "remuneration" should be changed to “remuneration or service payments” for the reasons mentioned earlier.

1. Should the instrument or instruments provide that Members should take measures to enable digital platform workers to decline a work assignment or to disconnect from a digital labour platform when they are not available for work, without retaliation?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to the below:

*The instrument or instruments provide that Members should take measures to enable digital platform workers to decline a task/project, or to disconnect from a digital labour platform before completing a task or after completing the task if accepted.*

No one is being forced to work. The phrase ‘without retaliation’ carries a negative connotation and is not clearly defined, so it should not be included in this provision. Platform workers are free to disconnect at any time before accepting a task.

H. Impact of the use of algorithms on working conditions

Mandatory

1. Should the instrument or instruments provide that each Member should require digital labour platforms to inform digital platform workers, before they are employed or engaged, and their representatives or representative workers’ organizations and, where they exist, organizations representing digital platform workers, about the use of algorithms to organize, supervise and evaluate work, and the extent to which this use affects the working conditions of digital platform workers?

[ ]  Yes [x]  No

**Comments**

Algorithms and AI regulations present fast-changing technical issues that fall outside the ILO’s scope of competence.

* Terms like ‘supervise’ and ‘evaluate’ imply an employment relationship, which is not applicable to most platform workers.
* Algorithms are designed to enhance the efficiency and safety of services, and their use is at the platform’s discretion.
* Informing digital platform workers about the real-time use of constantly evolving algorithms is neither feasible nor necessary.
* Digital labor platforms must be able to modify algorithms in real time to enhance service safety, reliability, and working conditions, making prior notification impractical.
* Algorithms are proprietary, and requiring companies to share source codes would violate intellectual property rights and trade secret laws.
1. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that the use of algorithms:
	1. does not result in any direct or indirect discrimination, including in respect of access to work on or through digital labour platforms and the setting of remuneration;

[ ]  Yes [x]  No

* 1. does not have harmful effects on the safety and health of digital platform workers, including risks of work-related accidents and psychosocial risks?

[ ]  Yes [x]  No

**Comments**

* Member States already have anti-discrimination and OSH laws designed to prevent the adverse impacts described here. Whether discrimination or OSH violations occur via an algorithm or through in-person interactions is irrelevant, as these well-developed laws already apply. These laws have been established by Member States in accordance with applicable ILO Conventions.
* The diverse range of algorithms, combined with misconceptions about their purpose and impact, hinders the effective development of such frameworks.
* The use of algorithms can reduce discrimination and enhance safety, as they have fewer conscious and unconscious biases compared to humans. For example, algorithms can help protect the public by flagging expired IDs.
* Additionally, “remuneration” is not relevant unless it refers to an employment relationship.
1. Should the instrument or instruments provide that each Member should ensure that digital platform workers have effective access, without undue delay, to a human review of any decision generated by an algorithm that impacts their working conditions, in particular when it results in the suspension or deactivation of their account, or termination of their work relationship?

[ ]  Yes [x]  No

**Comments**

This proposal is impractical. Human review can lead to significant delays, whereas algorithms, if properly coded, can swiftly resolve issues. This is especially valuable in cases of immediate safety concerns, where algorithms can facilitate prompt action. A risk-based approach to safeguards might be a more effective solution.

Guidance

1. Should the instrument or instruments provide that when the impact of the use of algorithms on working conditions of digital platform workers is not covered by a collective agreement, such use should be the subject of prior authorization by the competent authority?

[ ]  Yes [x]  No

**Comments**

This suggestion creates a bureaucratic barrier to innovation and is impractical. It is unclear which authority would be competent to review algorithms, raising concerns about trade secrets and intellectual property. Platforms should have the freedom to adapt to changing market needs and use algorithms without state or trade union interference.

1. Should the instrument or instruments provide that Members should encourage digital labour platforms to ensure regular monitoring and evaluation of the impact of the use of algorithms on digital platform workers’ working conditions, and the application of any necessary corrective measures, in collaboration with digital platform workers’ representatives or representative workers’ organizations and, where they exist, organizations representing digital platform workers?

[ ]  Yes [x]  No

**Comments**

Businesses are independent entities. While collaboration can be encouraged, this proposal is overly prescriptive for an international labor instrument. Regular monitoring and evaluation would place additional burdens on platforms, potentially requiring extensive impact research that could take years. Furthermore, such collaboration could delay algorithm improvements and might be considered anti-competitive, especially since most platform workers are independent contractors.

1. Should the instrument or instruments emphasize the importance of addressing at least the following elements in any information, collective agreement or prior authorization, as referred to in questions 40 and 44:
	1. the main parameters taken into account in the operation of algorithms that have implications for working conditions, and their relative importance;

[ ]  Yes [x]  No

* 1. the extent of human intervention, if any, in the decision-making process;

[ ]  Yes [x]  No

* 1. any subsequent change made to (a) or (b)?

[ ]  Yes [x]  No

**Comments**

Platforms may choose to be transparent about how their algorithms work in general, but requiring prior authorization is impractical. Algorithms are protected by intellectual property rights and involve commercially sensitive information

1. Protection of digital platform workers’ personal data

Mandatory

1. Should the instrument or instruments provide that each Member should establish effective and appropriate safeguards concerning the collection, storage, use, processing and communication of digital platform workers’ personal data?

[ ]  Yes [x]  No

**Comments**

Firstly, numerous Member States already have data privacy laws in place. Data protection should be approached uniformly for all workers, as creating separate standards for platform workers is discriminatory and could lead to fragmentation. This topic is slated for discussion at the upcoming expert meeting in 2027, and any actions should be informed by the conclusions of that meeting.

Secondly, not all platform workers are required to share personal data to offer their services, making the assumption that data sharing is universal among platform workers incorrect.

1. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that digital platform workers’ personal data are collected, processed and used only to the extent strictly necessary for the proper performance of the work relationship or as required by national law, and to prohibit, in particular, the collection, processing and use of personal data:
	1. relating to private conversations, including exchanges with workers’ representatives;

[ ]  Yes [x]  No

* 1. concerning membership of workers’ organizations or participation in their activities;

[ ]  Yes [x]  No

* 1. obtained when the digital platform worker is not connected to a digital labour platform for the purpose of performing work;

[ ]  Yes [x]  No

* 1. concerning physical and mental health and other sensitive data as determined in accordance with international labour standards and other relevant national and international instruments?

[ ]  Yes [x]  No

**Comments**

There is an upcoming expert meeting on data privacy, so we recommend addressing these challenges then. This approach is crucial to prevent fragmentation and ensure equal protection across different sectors and industries.

(a) A clear definition of “private” conversations is necessary for clarity.

(b) There is no reason to directly link connection time with work. Some platform workers may be connected but engaged in activities like updating their profile, reading terms and conditions, or uploading an ID card. Conversely, a platform worker, particularly in creative industries, may be working on a task or project without being logged into the platform. Additionally, platform workers might be connected to multiple platforms simultaneously, further complicating the situation.

(c) A balance between collecting personal data on physical and mental health and ensuring data privacy is essential. This should be determined on a case-by-case basis. If it can endanger the client or ensure public safety, collecting rlevant, basic, and appropriate information makes sense.

Guidance

1. Should the instrument or instruments provide that, in establishing the safeguards referred to in question 46, Members should take into account relevant instruments of the International Labour Organization, such as the code of practice on the protection of workers’ personal data, and other relevant national and international instruments on the protection of personal data and the right to privacy?

[ ]  Yes [x]  No

**Comments**

Many Member States already have data privacy laws and adhere to international instruments on this matter. Data protection requires a unified approach for all workers; implementing a stand-alone approach for platform workers would lead to fragmentation.

1. Should the instrument or instruments provide that Members should establish policies relating to the portability of data that relate to the work of a digital platform worker, including ratings?

[ ]  Yes [x]  No

**Comments**

There are operational challenges to this proposal. Each platform has its own unique approach to data collection and requestor ratings. Data portability assumes a similarity of platforms and types of work, which is impractical given the diversity of platform types. Additionally, this could risk being anti-competitive

J. Social security

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers enjoy social security protection on terms not less favourable than those applicable to workers generally?

[ ]  Yes [x]  No

**Comments**

Member States should guarantee access to sustainable social protection systems. Moreover, this question fails to acknowledge the significant differences between the needs of employed individuals and those of the self-employed, along with the reasons behind the laws that differentiate these groups.

Guidance

1. Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms and digital platform workers both participate in the financing of social security systems based on the principle of financial, fiscal and economic sustainability, with due regard to social justice and equity?

[ ]  Yes [x]  No

**Comments**

This question does not consider that platforms and their service providers already contribute to the financial, fiscal, and economic sustainability of governments and jurisdictions, especially through new tax revenues that would not exist without these platforms. It also overlooks the potential of platforms to ease burdens on social security systems by providing new economic opportunities.

Moreover, this question fails to acknowledge the significant differences between the needs of employed and self-employed individuals and the reasons behind the laws that differentiate these groups.

1. Should the instrument or instruments provide that, where coverage of the national social security protection system is limited, Members should endeavour to progressively extend its scope so that it covers all digital platform workers in respect of the nine categories of benefits included in the Social Security (Minimum Standards) Convention, 1952 (No. 102)?[[4]](#footnote-4)

[ ]  Yes [x]  No

**Comments**

Proposal to rephrase to:

*The instrument or instruments provide that, where coverage of the national social security protection system is limited, Members should endeavour to progressively and fiscally sustainably extend its scope so that it covers all digital platform workers.*

There should not be a pre-condition for Member States to ratify ILO Convention 102 when have not done so or do not wish to do so.

1. Should the instrument or instruments provide that Members should endeavour to take steps for the maintenance or portability of social security rights in the course of acquisition and acquired rights of digital platform workers when they are successively subject to different social security schemes in different Member States or within the same Member State?

[ ]  Yes [x]  No

**Comments**

An ILO instrument cannot provide cross-border rights, as this is typically managed through bilateral and multilateral trade agreements. Practical challenges in this area are already evident. It is ultimately up to governments to determine if they see added value in addressing these issues.

K. Terms and conditions applying to digital platform workers

Mandatory

1. Should the instrument or instruments provide that the terms and conditions of digital platform workers should be governed by the law of the country where the work is performed?

[ ]  Yes [x]  No

**Comments**

The work is not necessarily performed in the same market or country, as platform workers and consumers may be in different locations. Enforcing terms and conditions based on the law of the country where the work is performed presents practical challenges. Member States have the sovereign right to make decisions unilaterally or bilaterally. Moreover, it is beneficial for platform workers to offer services to clients in multiple locations, enhancing their competitive advantage. Otherwise, this provision could unintentionally exclude platform workers operating in high-cost or highly regulated countries and might encourage platforms to prioritize workers from jurisdictions with less stringent legal requirements, exacerbating existing challenges.

1. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers are informed of their terms and conditions of work in an appropriate, verifiable and easily understandable manner, where possible through written contracts, in accordance with national laws, regulations or collective agreements?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to:

*The instrument or instruments provide that each Member should take measures to ensure that digital platform workers are informed of their terms and conditions of work in accordance with national laws, regulations or collective agreements.*

The deleted words are subjective.

Guidance

1. Should the instrument or instruments provide that Members should require that contracts between digital platform workers and digital labour platforms contain at a minimum:
	1. the identity and contact details of the contracting parties;

[ ]  Yes [x]  No

* 1. the tasks that the digital platform worker is expected to perform;

[ ]  Yes [x]  No

* 1. information about the impact of the use of algorithms on working conditions, as referred to in question 40;

[ ]  Yes [x]  No

* 1. information about the grounds on which a digital platform worker’s account may be suspended or deactivated, or the work relationship terminated;

[ ]  Yes [x]  No

* 1. information about the method to determine the remuneration payable to the digital platform worker, and possible deductions if any;

[ ]  Yes [x]  No

* 1. periods, if any, during which the digital platform worker is expected to be at the disposal of the digital labour platform for work assignments?

[ ]  Yes [x]  No

**Comments**

(a) Propose to rephrase to: “the contact details of the digital platform worker and the digital labor platforms.”

(b) Workers should have visibility into the task or project before accepting it. However, some platforms offer a wide range of tasks and projects, such as graphic design and code writing. In these cases, it is impossible for the contract to reflect all the different types of tasks that workers may choose to undertake through the platform. Additionally, workers are not “expected to perform”; they have the freedom to choose which tasks or projects to accept.

(c) Algorithms are proprietary, and requiring companies to share source codes would violate intellectual property rights and trade secret laws.

(d) There are various reasons why a business relationship might end. The need to list specific grounds in a contract varies among countries.

(e) Remuneration is a term associated with employment. Platforms may provide general parameters or variables to determine the offer (in general terms), but not the method. The offer is determined and charged based on market conditions and demand.

(f) On the contrary, platforms are at the disposal of platform workers and requestors. ‘Expected to be’ incorrectly describes the reality of platform work.

L. Protection of migrants and refugees

Mandatory

1. Should the instrument or instruments provide that each Member should take all necessary and appropriate measures to prevent abuses of, and provide adequate protection to, migrants and refugees in the course of their recruitment or their work as digital platform workers?

[x]  Yes [ ]  No

**Comments**

Employers advocate for reducing barriers to market entry and easing integration for all workers. However, it is unclear why this specific group is being singled out. There should be no differential treatment.

Guidance

1. Should the instrument or instruments provide that Members should ensure that free public information services are provided to ensure that migrants and refugees are aware of relevant laws and regulations relating to working on or through digital labour platforms, including dispute settlement mechanisms and legal remedies as referred to in questions 65–67?

[ ]  Yes [x]  No

**Comments**

Public information services in general should be available to all, not just migrants and refugees.

Kindly see comments provided under 65-67.

M. Freedom of association, social dialogue and the role of employers’ and workers’ organizations

Mandatory

1. Should the instrument or instruments provide that each Member should take all necessary measures to ensure that digital labour platforms and digital platform workers effectively enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization?

[ ]  Yes [x]  No

**Comments**

Collective bargaining only applies to employees.

Guidance

1. Should the instrument or instruments provide that Members should create an enabling environment for digital labour platforms and digital platform workers to exercise their right to organize and bargain collectively and to participate in social dialogue, including at the cross-border level?

[ ]  Yes [x]  No

**Comments**

Collective bargaining applies exclusively to employees. Additionally, ILO instruments are implemented at the national level, not at the cross-border level. Members should foster an enabling environment for digital labor platforms to grow, thrive, and innovate.

1. Should the instrument or instruments provide that Members should take or support measures to strengthen the capacity of representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to effectively further and defend the interests of their members in relation to work on or through digital labour platforms?

[ ]  Yes [x]  No

**Comments**

It is important to promote social dialogue and capacity building specifically for social partners, as they are the ones representing and defending the interests of their members.

1. Should the instrument or instruments encourage employers’ and workers’ organizations to extend membership and services to digital platforms and digital platform workers, respectively?

[x]  Yes [ ]  No

**Comments**

This pertains to the right to association, a fundamental right. Some organizations are already facilitating this. It does not imply an employment relationship or a right to collective bargaining. This is about ensuring regulations align with the realities of the platform economy.

1. Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms make available to representative workers’ organizations and, where they exist, organizations representing digital platform workers, all information necessary for meaningful negotiations?

[ ]  Yes [x]  No

**Comments**

Collective bargaining negotiations among independent contractors violate competition law in certain Member States, so there should be no requirement for digital labor platforms to disclose any information for negotiation purposes. Additionally, data protection and intellectual property rights must be taken into account.

N. Suspension, deactivation and termination

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to prohibit the suspension or deactivation of a digital platform worker’s account, or the termination of their work relationship with a digital labour platform, when it is based on discriminatory, arbitrary or otherwise unjustified grounds?

[ ]  Yes [x]  No

**Comments**

Ensuring a workplace free from discrimination is essential. However, the phrase ‘arbitrary or unjustified grounds’ lacks clarity. Imposing restrictions on account suspension or termination could hinder a digital platform company's ability to ensure safety, reliability, and compliance. Temporary suspensions might be necessary for investigating serious offenses or safety incidents. Furthermore, additional protections are relevant in the context of an employment relationship.

O. Dispute resolution

Mandatory

1. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers have easy access to appropriate and effective legal remedies, and safe, fair and effective dispute resolution mechanisms?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase to:

*The instrument or instruments provide that each Member should take measures to ensure that digital platform workers have effective access to legal remedies and dispute resolution mechanisms*

The words ‘easy’ and ‘fair’ were removed as these are subjective.

Guidance

1. Should the instrument or instruments provide that Members should take measures to ensure that digital platform workers have access to dispute resolution mechanisms in the territory in which the digital platform worker resides or carries out work on or through a digital labour platform, regardless of where the platform is established?

[ ]  Yes [x]  No

**Comments**

The report does not specify the nature of disputes or the parties involved that might necessitate a mechanism. This measure is unnecessary, as many Member States already provide platform workers with access to dispute resolution mechanisms in the territory where the digital platform worker resides or performs their work.

1. Should the instrument or instruments provide that Members, when taking measures regarding legal remedies and dispute resolution mechanisms, should consider the particular situation of migrants and refugees, including recognition of the right to stay lawfully in the territory to pursue their claim after their work relationship has ended?

[ ]  Yes [x]  No

**Comments**

This issue pertains to national immigration law and does not fall within the ILO’s mandate.

P. Compliance and enforcement

Mandatory

1. Should the instrument or instruments provide that each Member should put in place mechanisms to ensure compliance with and enforcement of relevant national laws, regulations and collective agreements, having regard to the special characteristics of work on or through digital labour platforms?

[ ]  Yes [x]  No

**Comments**

There are existing mechanisms and measures that apply across sectors. This question is overly prescriptive and lacks clarity on what ‘special characteristics’ entail. Additionally, collective agreements are not relevant to most platform workers.

1. Should the instrument or instruments provide that, in order to ensure compliance, each Member should determine the conditions governing the operation of digital labour platforms through a system of licensing or certification or other form of regulation, including reporting obligations?

[ ]  Yes [x]  No

**Comments**

These measures will create barriers for small and emerging platforms to enter the market and will disproportionately impact them. This will stifle innovation and have severe consequences for developing countries, where innovation, investment, and job growth are most needed. Additionally, there should not be state interference in the administration of private sector contracts. Existing mechanisms, such as access to courts and regulatory oversight, are already in place.

Guidance

1. Should the instrument or instruments provide that, when putting in place compliance mechanisms as referred to in question 68, Members should ensure respect for the right to privacy of digital platform workers?

[x]  Yes [ ]  No

**Comments**

Equal rights should be given to platforms as well as work requestors.

1. Should the instrument or instruments provide that Members should ensure that measures are in place to facilitate the formalization of platform workers, tackle undeclared activities and promote fair competition, including by imposing reporting obligations on digital labour platforms?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase:

*The instrument or instruments provide that Members should ensure that measures are in place to facilitate the formalization of platform workers, tackle undeclared activities and promote fair competition.*

Reporting obligations will add administrative burden, and there is no evidence that obligatory reporting effectively formalizes workers or promotes fair competition. This requirement needs to be justified.

Q. Implementation

Mandatory

1. Should the instrument or instruments provide that each Member should implement their provisions in relation to digital labour platforms operating, and digital platform workers working, in their territory?

[ ]  Yes [x]  No

**Comments**

National legistlation prevails.

1. Should the instrument or instruments provide that, in implementing their provisions, each Member should consult with, and promote active participation of, representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers?

[ ]  Yes [x]  No

**Comments**

Implementing provisions and negotiating on them is the right of social partners, not the right of individual platforms or individual platform workers.

1. Should the instrument or instruments provide that their provisions should be applied by means of laws or regulations, collective agreements, court decisions, a combination of these means, or in any other manner appropriate to national conditions and practice, including by extending or adapting existing measures, or by developing new measures to cover digital platform workers?

[ ]  Yes [x]  No

**Comments**

Regarding this language, the text should adhere to the agreed-upon language from other instruments.

Guidance

1. Should the instrument or instruments provide that Members should cooperate at bilateral, regional and international levels to ensure the effective implementation of their provisions, especially in matters concerning fundamental principles and rights at work, social security, dispute resolution and the regulation of the operation of digital labour platforms?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase:

*The instrument or instruments provide that Members may cooperate at bilateral, regional and international levels to ensure the effective implementation of the instrument’s or instruments’ provisions.*

The listing is already addressed in previous questions. Repeating it is unnecessary. Additionally, cherry-picking provisions within a standard risks creating an inappropriate hierarchy of importance.

1. Should the instrument or instruments provide that Members should raise awareness and provide information and guidance to digital labour platforms, digital platforms workers and representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to support the effective implementation of their provisions?

[ ]  Yes [x]  No

**Comments**

This is the right and responsibility of social partners, not other organizations.

1. Should the instrument or instruments provide that Members should establish appropriate mechanisms, including the collection of data and statistics, to monitor developments concerning work on or through digital labour platforms?

[ ]  Yes [x]  No

**Comments**

Propose to rephrase:

*The instrument or instruments provide that Members should establish appropriate mechanisms, including the collection of statistical data, to monitor developments concerning work on or through digital labour platforms*

Respectful of data privacy matters, statistical data can be helpful in policy development. Reporting should be voluntary, not obligatory. Member States should incorporate efforts to capture digital platform workers in existing labor surveys and national statistics.

R. Amendments

1. Should the instrument or instruments include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms?

[ ]  Yes [x]  No

**Comments**

This topic is already complex. The ILO Supervisory Reporting Mechanism is responsible for determining if instruments are outdated or if there are gaps. It is important to allow the policy process to adapt as needed.

VI. Other considerations

1. Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instrument or instruments?

[x]  Yes [ ]  No

**Comments**

There are many national and regional nuances that would make this instrument challenging to implement in practice. Please refer to all the aforementioned examples for further details.

1. (For federal States only) In the event of the instrument or instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?

[ ]  Yes [ ]  No

**Comments**

Not appiclable, not a federal state

1. Are there any other pertinent issues not covered by the present questionnaire that ought to be considered when drafting the instrument or instruments?

[x]  Yes [ ]  No

**Comments**

This questionnaire appears biased and one-sided. It focuses primarily on working conditions and controlling innovation, while overlooking the positive aspects of platform work. There is no emphasis on the promotional value. Benefits such as flexibility, autonomy, inclusion, control over work hours, and work-life balance are ignored. These advantages need to be highlighted. The questionnaire should stress the importance of preserving the unique value propositions of digital platform work, such as the control and flexibility it offers to workers.

1. [GB.347/PV(Rev.), para. 876](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_884393.pdf). [↑](#footnote-ref-1)
2. Work on or through a digital labour platform covers a wide array of activities performed with the use of a digital intermediating tool such as a website or an application. It includes for instance work through ride-sharing applications and work on microtask platforms. The intermediating role of technology serves to differentiate it from other kinds of work undertaken by individuals **for** digital labour platforms, such as clerical work. [↑](#footnote-ref-2)
3. The primacy-of-facts principle is expressed in Paragraph 9 of Recommendation No. 198, which provides that the determination of an employment relationship “should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties.” [↑](#footnote-ref-3)
4. See Parts II–X of Convention No. 102: medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors’ benefits. [↑](#footnote-ref-4)