



International  
Labour  
Organization



# Protecting workers in new forms of employment

1st BRICS Employment Working Group Meeting

ILO - ISSA

Wednesday 20 April 2022



## Background (I)

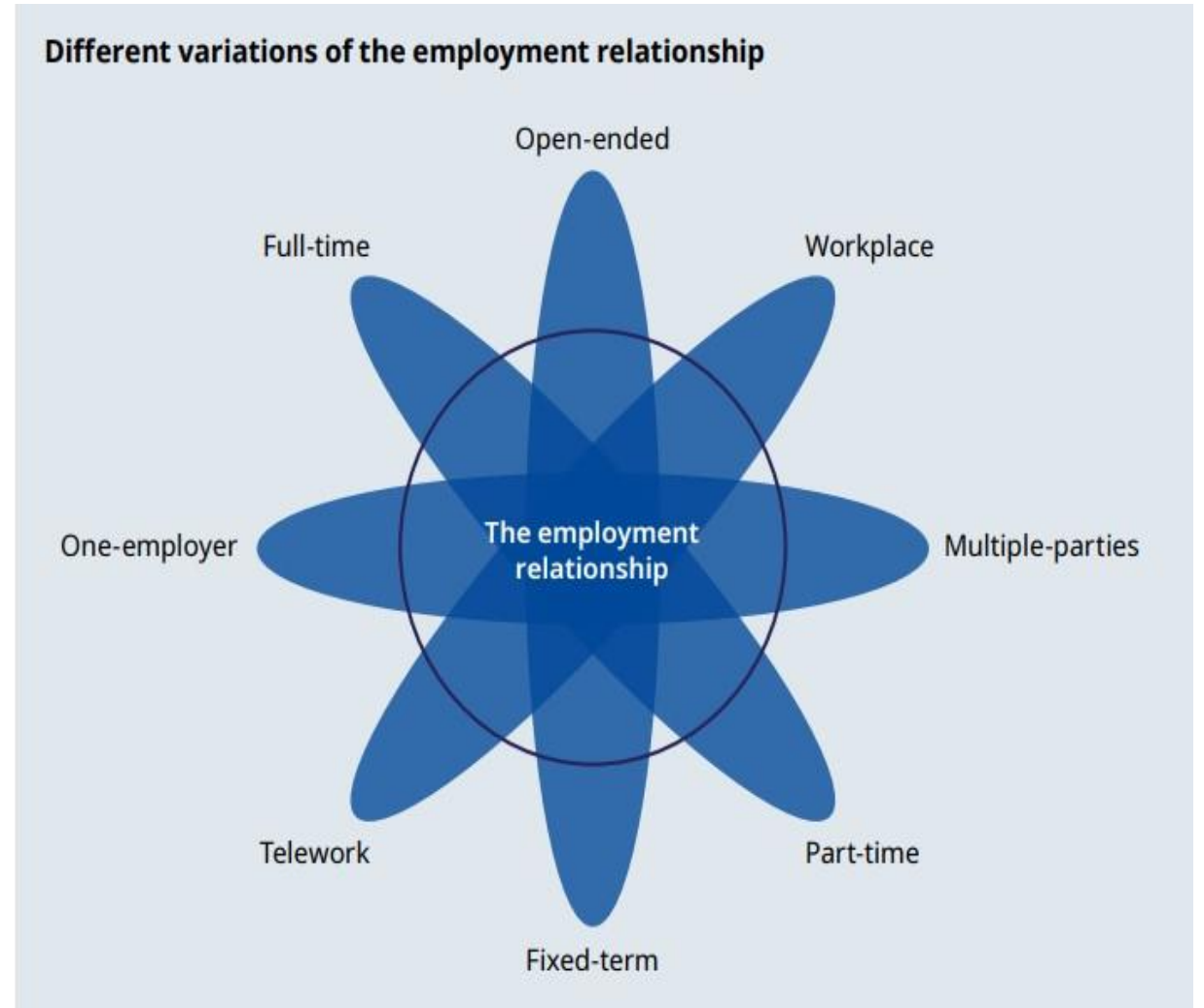
**Diversity of forms of employment, including new forms, on the rise**

### **Opportunities for workers:**

- **Access to employment and income generating activities**
- **Flexibility to balance work and personal life**

### **Risks for workers:**

- **Potential decent work deficits**
- **Unclear employment status, generating a lack of labour and social protection**



## Background (II)



### Work on digital labour platforms: a new form of employment

- Multiple business models, economic sectors, ways of providing services and multiple ways of working and worker profiles.
- Some work part-time on platforms as a second job
- Multiparty relationship
- The debate regarding how platform workers are classified

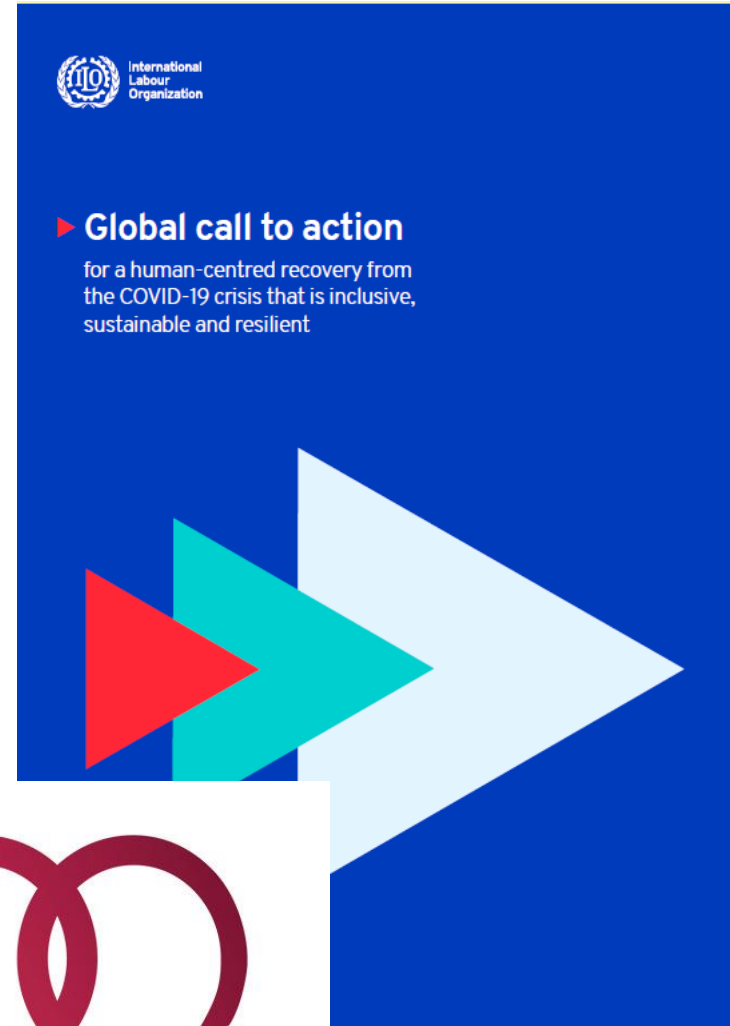
## Background (III)

### ILO Centenary Declaration and Global Call to Action

- Human-centred approach to the future of work
- Ensuring adequate protection of all workers
- Universal access to comprehensive, adequate and sustainable social protection

### October 2022: Meeting of Experts on decent work in the platform economy

- First tripartite discussion in the ILO dedicated to platform work.



## ▶ Labour protection (I)

### Regulating the employment relationship

- **Vehicle for access to employment-related rights and benefits → comprehensive and clear legal framework required**
- **Guidance : ILO R198, primacy of facts principle**
- **Case law on platform workers, lack of uniformity of approaches**
- **Legislative developments**

## Labour protection (II)



### Freedom of association and the right to collective bargaining

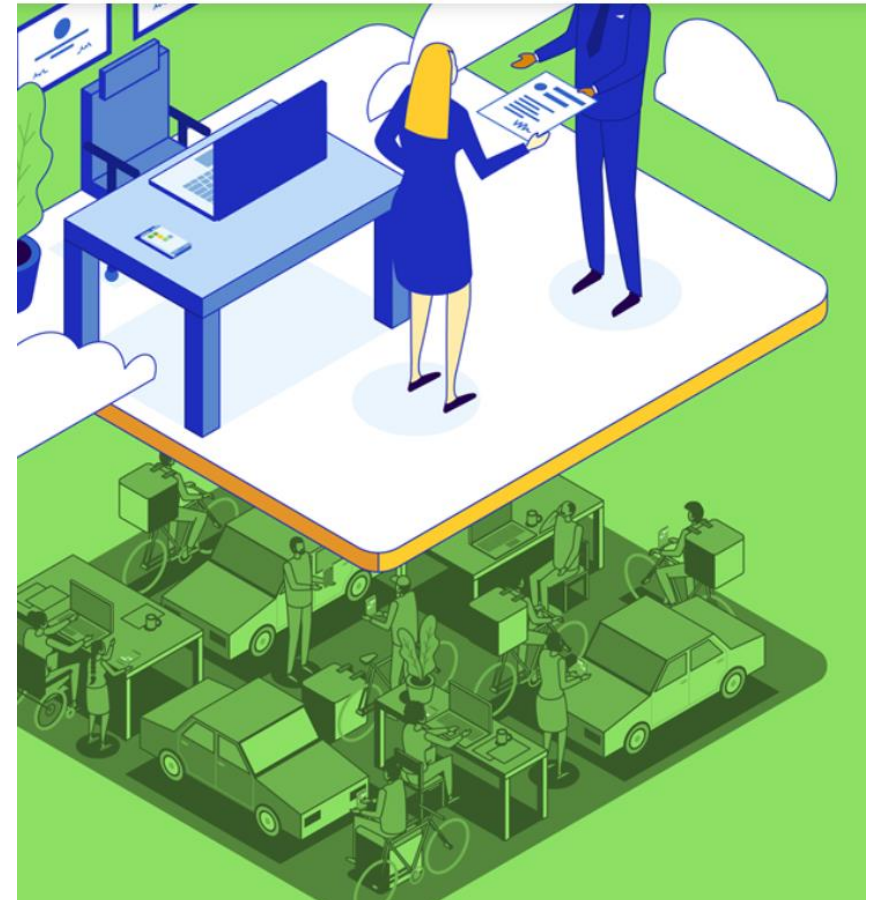
FPRW apply to all workers, including platforms workers

- Practical obstacles
- Legal obstacles
- Legislative developments
- Organizing platform workers
- Conclusion of collective agreements

## Labour protection (III)

### Working conditions

- Occupational safety and health risks for platform workers
- Algorithmic management
- Legislative developments



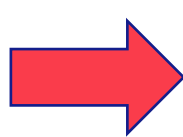
## Social Protection

### Extending social protection to platform workers and other categories:

- Determining employment status
- Ensuring dependent workers are adequately covered
- Extending coverage to self-employed workers
- Mandatory coverage
- Comprehensive and adequate protection

(Resolution and Conclusions on social protection (social security) adopted at ILC in June 2021)



 **Need for adequate social protection coverage for workers in all types of employment, and a fair distribution of financing responsibilities of social protection between platforms and conventional employers**





## Concrete measures for social protection



- **Brazil:** Mandatory coverage of self-employed workers, legislative initiatives on platform work
- **China:** Progress towards universal health and pension coverage
- **India:** Code of Social Security (2020): extending coverage to workers in all types of employment
- **European Commission:** Re-classification of employees to ensure labour and social security rights
- **Uruguay:** Extension of social security to platform workers > formalization
- **USA:** California court ruling on Uber & Lyft drivers



# Concluding remarks

Thank you