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Policy Development Section

POL

Employment and Social Protection Segment

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Report of the Meeting of Experts on decent work in the platform economy (Geneva, 10–14 October 2022)

Purpose of the document

The document provides information on the Meeting of Experts on decent work in the platform economy that took place in Geneva from 10 to 14 October 2022. The Meeting did not adopt any conclusions.

Relevant strategic objective: All.

Main relevant outcome: Outcome 7: Adequate and effective protection at work for all.

Policy implications: Yes, see the draft decision in paragraph 19.

Legal implications: None.

Financial implications: None.

Follow-up action required: See the draft decision in paragraph 19.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: [Resolution concerning the second recurrent discussion on social dialogue and tripartism](#); [ILO Centenary Declaration for the Future of Work](#); [GB.341/PV](#); [GB.341/INS/3/1\(Rev.2\)](#); [GB.343/INS/15](#); [GB.344/INS/18\(Rev.1\)](#).

▶ Background

1. The Resolution concerning the second recurrent discussion on social dialogue and tripartism, adopted on 7 June 2018, requires the Office to “continue research regarding the access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers and, on that basis ... Governing Body to decide whether convening a tripartite meeting would be appropriate or not”.¹
2. The ILO Centenary Declaration for the Future of Work, adopted on 21 June 2019,² in its paragraph III(C)(v), calls on all Members to put in practice “policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work”.
3. On 27 March 2021, at its 341st Session, the Governing Body decided “to request the Office to convene a tripartite Meeting of Experts on the issue of ‘decent work in the platform economy’ in the course of 2022”.³ The results of this Meeting “would subsequently inform a possible general discussion or standard-setting item on this subject, should the Governing Body decide to place such an item on the agenda of the 112th Session (2024) of the Conference”.⁴ At its 343rd Session (November 2021),⁵ the Governing Body approved the dates and composition of the Meeting. The agenda of the Meeting was approved by the Governing Body at its 344th Session (March 2022).⁶
4. The Meeting of Experts took place in Geneva from 10 to 14 October 2022. It was composed of eight experts nominated after consultation with Governments,⁷ eight experts nominated after consultation with the Employers’ group, and eight experts nominated after consultation with the Workers’ group of the Governing Body.
5. There were 25 Government observers,⁸ representatives of the International Organisation of Employers and the International Trade Union Confederation, as well as representatives of the Organisation for Economic Co-operation and Development, the European Commission and the International Cooperative Alliance.⁹
6. The Meeting was chaired by an independent Chairperson, Honourable Minister Mr C. Jordan (Barbados). The Vice-Chairpersons were Mr R. Nayak (Government expert, United States of

¹ ILO, [Resolution concerning the second recurrent discussion on social dialogue and tripartism](#), International Labour Conference, 107th Session, Geneva, 2018, para. 6(e).

² [ILO Centenary Declaration for the Future of Work](#).

³ [GB.341/PV](#), para. 50(c).

⁴ [GB.341/INS/3/1\(Rev.2\)](#), para. 26.

⁵ [GB.343/INS/15](#), paras 1–7.

⁶ [GB.344/INS/18\(Rev.1\)](#), para. 3.

⁷ Brazil, China, Czechia, Japan, Mexico, Spain, Tunisia, United States of America.

⁸ Argentina, Australia, Bahamas, Brazil, Canada, Chile, Colombia, Croatia, Czechia, Finland, France, Germany, Hungary, Italy, Jamaica, Lithuania, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland.

⁹ See the [Final list of participants](#).

America), Ms S. Regenbogen (Employer expert, Canada) and Mr R. Subasinghe (Worker expert, United Kingdom of Great Britain and Northern Ireland).

7. The Office prepared a report¹⁰ to serve as a basis for the Meeting's deliberation. The report defines the essential features of the platform economy and the characteristics of the business models, paying particular attention to the implications for fair competition between firms and the opportunities and challenges for job creation. It also reviews the size and profile of the workforce engaged in both on-site and online platform work, especially in relation to gender, age, education, migrant status and examines the legal debate over the classification of platform workers. The report analyses their working conditions, including the protection of their personal data and the safeguard concerning the use of technology for organizing and monitoring work, and reviews their access to social protection. Finally, it examines the extent to which platform workers enjoy freedom of association and the right to collective bargaining. The ILO standards that may be applicable and relevant existing international and national initiatives are also considered.

► Overview of the Meeting

8. The Meeting agreed on the following points for discussion:
 - (a) Which types of platforms does the expression "platform economy" encompass, and in which sectors do they operate? What is the profile of companies and workers engaged in their activities? Do digital platforms share similar models of interventions and interactions with the labour market?
 - (b) Which opportunities and challenges does the platform economy generate in respect of employment creation, including for people facing difficulties in accessing labour markets, and with regard to informality?
 - (c) How are platform workers classified, and which responses have been given by public authorities, social partners and other stakeholders to this issue?
 - (d) Which are the working conditions and social protections of platform workers? Are workers' personal data protected? Are there safeguards in place concerning the use of technology for organizing and monitoring platform work?
 - (e) Do platform workers enjoy freedom of association and the effective recognition of the right to collective bargaining?
 - (f) Which issues should the ILO focus on to help make decent work a reality in the platform economy, notably what guidance could be provided to inform a possible general discussion or standard-setting on decent work in the platform economy, subject to the Governing Body's decision?
9. The experts agreed that the Office report formed a good basis for the discussions. During the first three days of the Meeting, they held a general discussion covering the six agreed points for discussion, which was completed in accordance with the tentative plan of work. There was a convergence of views on the relevance of the topic to the contemporary world of work and on the fact that the ILO should take the lead in defining pathways to ensure that all platform

¹⁰ ILO, [Decent work in the platform economy](#), MEDWPE/2022, 2022.

workers enjoy decent work, while maximizing the opportunities that this segment of the economy brings. The experts also agreed on a number of points, including income-generating opportunities that the platform economy offers to workers, whether employees or self-employed; the importance of the Employment Relationship Recommendation, 2006 (No. 198) to combat disguised employment; the need to provide access to adequate social protection for all platform workers. All experts concurred that the platform economy also presents challenges for workers, but there were strong divergences regarding their nature and extent.

10. The Office prepared a set of draft conclusions for consideration by the Meeting, which drew on the different proposals and positions expressed by the experts during the general discussion. The last two days of the Meeting were devoted to the consideration of these draft conclusions. The experts first discussed the introductory paragraphs of the draft conclusions as well as the opportunities and challenges that the platform economy presents for decent work (paragraphs 1–15). Numerous amendments were proposed and discussed but no agreement was reached on any of the paragraphs in this section. On the last day of the Meeting, with a view to maximizing the chances to adopt consensus conclusions, the experts decided to start the discussion of the sections of the draft conclusions concerning the recommendations for future action by the Organization (paragraphs 18–19). In the last sitting, the discussion was extended to measures to ensure decent work in the platform economy (paragraph 16) and recommendations for future action by the Office (paragraph 17).
11. Agreement was reached among the experts on 5¹¹ of the 12 subparagraphs of paragraph 16 concerning the measures to ensure decent work in the platform economy. Agreement was also reached on 7¹² of the 10 subparagraphs of paragraph 17 concerning recommendations for future action by the Office. Divergent views were expressed on other subparagraphs, including on the right of self-employed workers to bargain collectively, on algorithmic management, on the protection of workers' personal data, or on the modalities to set remuneration of workers. Finally, the experts concurred that several ILO standards are relevant and applicable to advance decent work on both location-based and web-based platforms. However, there was no agreement on whether there were regulatory gaps or the need for an ILO standard-setting item on decent work in the platform economy.
12. Late on the final day of the Meeting, the Employer Vice-Chairperson considered that the subparagraphs of paragraphs 16 and 17 of the draft conclusions on which an agreement had been reached should form the conclusions of the Meeting to be submitted to the Governing Body. The Worker Vice-Chairperson stated that he was not in a position to accept these elements of the draft conclusions without completing the negotiations on paragraphs 18 and 19. The Government group did not support either the adoption of paragraphs 16 and 17 of the draft conclusions as conclusions of the Meeting without an agreement on paragraphs 18

¹¹ The subparagraphs on which agreement was reached cover the following items: advancing gender equality and inclusion on digital labour platforms; fostering social dialogue to maximize the opportunities and address any decent work deficits on digital labour platforms; harnessing the fullest potential of the platform economy to achieve decent work and sustainable development; applying relevant international labour standards to ensure decent work in the platform economy; and dispute mechanism and compliance.

¹² The subparagraphs on which agreement was reached cover the following items: continuing to conduct analyses to better understand the applicability of existing international labour standards to work on digital labour platforms and identify existing regulatory gaps; promoting the ratification and implementation of relevant international labour standards; continuing to build empirical evidence on platform work; conducting research to understand why firms use platforms to provide their services; conducting impact assessments of regulatory interventions on platform work; strengthening the capacity of tripartite constituents to take action to ensure decent work for platform workers; and advancing policy coherence within the multilateral system for the promotion of decent work in the platform economy.

and 19. The Employer Vice-Chairperson stated that the Employers' group was not able to agree on further discussing paragraphs 18 and 19.

13. The Worker Vice-Chairperson then suggested the possibility of approving the original draft conclusions in their entirety. The Employer Vice-Chairperson replied that this would not be possible without a debate and that time had run out for further discussions. The Government Vice-Chairperson indicated that the Government group could have accepted the unamended draft conclusions, which were strong and balanced. As a consequence, the Meeting of Experts failed to reach conclusions.
14. Although the experts did not reach consensus on the recommendations for future action by the International Labour Organization, they nonetheless agreed on the leadership role that the Organization should take in this domain. They also agreed that the Office should continue to undertake research and respond to requests for technical assistance by Member States on decent work in the platform economy.
15. In her concluding remarks, the Employer Vice Chairperson indicated that Employer experts had participated in the Meeting in a spirit of constructive discussion on potential ways to advance decent work in the platform economy, while highlighting the opportunities as well as the challenges it presents. She underlined that the allocated time did not allow finalizing negotiations on the draft conclusions and that this demonstrated the importance and complexity of the topic, as well as the need to further analyse and discuss it. She added that the debates also showed that there was a high degree of divergence among the experts and no consensus on important issues, many of which represent red lines to the constituents represented by the Employers' group. These issues include algorithmic management, wages, and the employment relationship in relation to collective bargaining. Further, the Employers' group did not agree with statements that minimize the relevance of existing ILO standards, which, in their view, also apply to the platform economy. On the other hand, the Employers' group did not have a clear understanding of which were the existing regulatory gaps or of issues raised by the Workers' group concerning working time, on-call time, and refused access to platforms, some of which were outside the purview of the Meeting. She highlighted that further research would be necessary, including on regulatory gaps in ILO's international standards, before a consensus could be reached.
16. The Worker Vice-Chairperson, in his concluding remarks, expressed his disappointment that the Employers' group had decided not to continue the discussion and that the Meeting could not reach consensus on conclusions. He stated that the majority of experts concurred that several international labour standards were relevant to advance decent work on both location based and web-based platforms, but that some aspects were not adequately covered, such as: counting and remuneration for time spent waiting for the allocation of tasks by the platform and the right to digital disconnection; protection and governance of workers' personal data and right to privacy, including portability of digital reputation; governance of algorithmic management, including fairness and transparency of automated decisions such as ratings and deactivation from the platform and other penalties and surveillance; individual and collective information and consultation rights; existence of adequate dispute resolution mechanisms; effective labour inspection and access to relevant data and records by competent authorities; the cross-border nature of platform work; regular payment of wages and rates; commission charges and fees; and platform work contracts. He added that the majority of experts, namely from the Workers' and Government groups, were open to the principle of setting a new international labour standard on decent work in the platform economy given existing decent work deficits and regulatory gaps. The Worker Vice-Chairperson therefore recommended that the Governing Body place on the agenda of the International Labour Conference in 2025 a new

standard-setting item to address these regulatory gaps. Finally, the Worker Vice-Chairperson requested that the draft conclusions be appended to the report of the Meeting.

17. In his concluding remarks, the Government Vice-Chairperson stated that the Government group had reached unanimity on key questions, including an openness to standard-setting action on decent work in the platform economy. He added that there are opportunities but also deep challenges to achieving decent work for all workers in the platform economy, both employed and genuinely self-employed. These challenges and regulatory gaps demand urgent attention of the ILO and policymakers at national level, including with respect to algorithmic management and the importance of advancing gender equality and inclusion on digital labour platforms. The Government Vice-Chairperson was deeply disappointed by the Meeting's failure to produce conclusions and by the Employers' group decision to not continue the discussions, blocking in this way a possible consensus. The Government Vice-Chairperson supported the Workers' group request to include the draft conclusions in the report of the Meeting,¹³ with a mention of the Government group's unanimous support for them.
18. Before closing the Meeting, the Chairperson expressed his profound disappointment that the Meeting could not reach consensus on conclusions. He believed that the opportunity to give good guidance to the Governing Body, the Office and, more importantly, to ILO Member States had been missed. The Meeting could have made a constructive contribution, based on a human-centred approach, to the development of this emerging sector which offers excellent opportunities that are to be seized but also challenges that will increase if they are not addressed. The Chairperson finally stated that, even if the agenda was ambitious, the Meeting could have achieved some outcomes.

► Draft decision

19. The Governing Body:

- (a) **took note that the Meeting of Experts on decent work in the platform economy did not adopt any conclusions;**
- (b) **requested the Office to take into consideration the different views expressed at the Meeting of Experts on decent work in the platform economy (Geneva, 10–14 October 2022) within the context of the preparation of the recurrent discussion on social protection (labour protection) to be held at the 111th Session of the International Labour Conference (2023); and**
- (c) **requested the Director-General to take account of its guidance regarding future ILO activities on decent work in the platform economy.**

¹³ The summary record of proceedings of the meeting will be available by 31 December 2022.