



Privacy International's briefing on the draft ILO Convention supplemented by a Recommendation concerning decent work in the platform economy

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Introduction

In this briefing, Privacy International (PI) outlines its analysis of some key provisions of the draft Convention supplemented by a Recommendation concerning decent work in the platform economy.¹ This briefing builds upon PI's response to the ILO questionnaire on realizing decent work in the platform economy² and on a joint declaration at the ILC25.³

PI is an international non-governmental organisation, which campaigns against surveillance and data exploitation by governments and corporations. PI employs specialists in their fields, including technologists and lawyers, to understand the impact of existing and emerging technology upon data exploitation and our right to privacy. PI has been researching the exploitation of digital platform workers for years and led campaigns to defend workers' rights and hold platforms accountable.

PI strongly welcomes the decision to adopt a Convention and a Recommendation as the result of the first discussion at the International Labor Conference 113th session. The platform economy has created an environment of unprecedented surveillance and monitoring for workers that greatly threatens privacy and other fundamental rights.

¹ Report V(3), published 15 August 2025 and available here: <https://www.ilo.org/resource/conference-paper/ilc/ilc114/decent-work-platform-economy>

² Submission available here: <https://www.privacyinternational.org/advocacy/5362/privacy-internationals-response-ilo-questionnaire-realizing-decent-work-platform>

³ Signed by over 30 organisations and available here: <https://privacyinternational.org/advocacy/5595/joint-civil-society-declaration-international-labour-conference-2025>

The ILO must now equip parties of this economy with adequate tools to meet those challenges.

PI remains concerned that certain challenges related to the use of automated systems are not sufficiently addressed by the current draft. In particular, PI encourages the ILO and its Members to develop instruments that strongly protect the privacy of digital labour workers by implementing the following measures:

- Article 15 of the Convention: **require platforms to maintain a public register of automated systems deployed and provide workers and their representatives with comprehensive information in accessible language about their purpose, design and functioning.** Such information should be provided to workers **before** they are subject to an automated system, **and following any update of the systems concerned**
- Article 17: **require the written explanations provided to workers to be personalised and to include detailed information in accessible language,** including the key parameters considered and their values. Workers should also have **access to review by a human being for any decision** that impacts their working conditions or access to work
- Article 18: **ensure the existence of safeguards to protect both workers' privacy and personal data** rather than only the latter.
- Article 24: **ensure access to dispute resolution and remedies is made available within a reasonable time and without undue delay.**
- Paragraph 23 of the Recommendation: Further expand **the level of information provided to workers before and after a decision is taken.**

While we acknowledge the Committee members' preference for a less detailed and less prescriptive Convention, these changes are required to effectively mitigate the negative impact of automated systems on workers by defining clear and effective measures for digital labour platforms and member states to be legally obliged to adopt and implement.

The following sections provide comments on specific provisions of the Draft Convention and Recommendation.

DRAFT CONVENTION

Scope

Article 2

PI appreciates that the platform economy is a relatively novel phenomenon that can take a wide variety of shapes, including some that Member States might feel currently ill-equipped to address. Nonetheless, we suggest **the removal of the exception provided by Article 2(2) and the following Articles 2(3), 2(4) and 2(5)** as to encourage signatories to address the challenges of the platform economy in its full diversity and to aim to protect all platform workers from the outset and prevent the unjust discrimination of certain categories of workers. The current wording of this provision provides Member States a concerning discretion to decide which workers would be initially protected and what categories of workers would be included progressively.

Furthermore, the monitoring mechanism provided in Article 2(4) and (5) to follow up on progressive implementation does not provide a strong and timely accountability mechanism should a Member State not submit or not provide the relevant information in their first and subsequent reports, and what measures could be taken in this case.

Employment relationship

Article 10

PI supports the Office suggestion to remove Article 10(2).

Article 12

PI disagrees with the Office suggestion to move Article 12 to the Recommendation and instead suggests consolidating this article with Articles 13 and 21 to provide that Member States regulate the conditions and extent of deductions, including with regards to the charging of fees.

Article 13

PI supports the Office suggestion to consolidate Article 13 and Article 21 as proposed in paragraph 91 of the Office commentary to keep the Convention streamlined. We also recommend that this Article also include a requirement for digital

worker platforms to provide information on how remuneration and any deductions are calculated.

Impact of the use of automated systems

Article 15

While PI welcomes the general aim of Article 15 and acknowledges the discussion that took place during the 113th session of the International Labour Conference, we remain very concerned that the article in its current form does not sufficiently address the challenges caused by automated systems in the platform economy. In particular, it falls short of providing platform workers with the necessary tools to protect themselves against new forms of data exploitation in the workplace that result in power imbalances, information asymmetries and poor working conditions.

Article 15 provides only for informing workers about the mere existence of algorithms and their impact on the working conditions of digital platform workers or their access to work. This is necessary but insufficient to effectively provide workers and their representatives with meaningful information about the functioning of those systems. Similarly, Article 17 only provides for after-the-fact information about decisions rather than upfront information about automated systems.

Workers and their representatives must also be given upfront information about why algorithms are being used, how they work, what role humans play in their operation, and when the system is updated. This information must be available in both detailed and accessible forms.

To alleviate this, **PI suggests that Article 15 include additional requirements on digital labour platform to:**

- **Maintain a public register of the algorithms that affect how workers are managed.** This should provide workers and future workers with a clear overview of the systems deployed by the platform.
- **Provide detailed information about how these algorithms work,** including, but not limited to:
 - o the purpose for deployment and rationale for the design of an automated system;
 - o an overview of the nature of the system's outputs and/or decisions;

- its key inputs and parameters, their relative importance, and the origin and **relevance** of the data processed.⁴
- **Explain how human oversight of the automated system is provided.**
- **Inform workers about changes made to automated systems through updates.** Such changes should be communicated in advance, clearly, and with the inclusion of detailed explanations about the technical aspects of the changes made.

PI acknowledges that some of the above overlaps with Paragraph 23 of the Recommendation in its current form. However, PI believes it is crucial for those elements to be set in the Convention as they are necessary to reduce the existing information asymmetry between platforms and workers and act toward a rebalancing of power in working relationships. These foundations are needed to enable workers and their representatives to scrutinise the automated systems used to manage them and to prevent companies from unfairly leveraging control by withholding information.

With these changes enacted, Paragraph 23 of the Recommendation should set out in further detail the information that must be communicated by platforms (see our suggestion below).

Article 16

PI supports the inclusion of Article 16 as a positive obligation on both Member States and platforms to ensure respect of fundamental principles and rights at work.

Article 17

In addition to the suggestions made on Article 15, PI notes the limited scope of Article 17 with regard to the quality of explanation provided after a decision is taken. Explanations of decisions must be personalised (i.e. rather than generic) in nature and must allow the worker to understand which actions of theirs influenced the decision and what steps they could take to get a preferred outcome.

Hence, PI suggests extending the requirement set out in 17(a) for platforms to provide a written explanation for decisions that impact working conditions and access to work. Such an explanation should include **information about the key parameters considered**

⁴ See: Privacy International's recommendations on transparency and explainability for automated decision-making systems: <https://privacyinternational.org/news-analysis/5510/12-organisations-tell-just-eat-uber-and-deliveroo-time-deliver-answers>

that influenced the decision. Article 17 should also cover all decisions generated in whole or in part by an automated system.

This additional level of information would empower workers to identify potential bias, errors and issues with the systems. The level of detail should match the information described in PI proposition for Article 15 and provide the value of the parameters processed. For example, if a key parameter for a decision about work allocation is the battery level of the workers' device, this information should be communicated, including the value collected at the time of processing.

With regards to the requirement for a review conducted by a human being established in Article 17(b), PI supports the language proposed by the Office of "review conducted by a human being" in place of "human review", as it limits the risk of subversion and clarifies the need for humans to be involved.

Finally, PI recommends **widening the set of decisions covered by Article 17(b) to include all decisions that impact workers' working conditions and access to work as defined under Article 17(a).** While payment and termination of engagement with the platforms are particularly likely to significantly impact workers, other decisions generated by automated systems might greatly affect workers and should be submitted to the same degree of scrutiny. For example, an algorithm could repeatedly not offer work to a worker because of the value of certain parameters, functionally "shadow banning" that worker and preventing them from accessing work. In such instances, workers should be able to request a review by a human being to challenge the fairness of those decisions.

Protection of digital platform workers' personal data and privacy

Article 18

PI suggests that **Article 18 is adjusted to require Members to establish appropriate safeguards concerning the protection of workers' right to privacy** alongside personal data and communication, accurately reflecting the title of this section. Digital Platform Workers are likely to use their personal device to perform work on platforms through apps and websites that can require access to sensitive sensors and data. This porous limit between workers' private life and their work creates risks of interference and can affect workers' autonomy, hence requiring strong safeguards to ensure workers' right

to privacy is protected. We also recommend that this article reaffirm the obligations of Member States to ensure that private sector actors comply with international human rights standards provided for in relevant international instruments.

Additionally, to expand on the concept of international instruments mentioned in Paragraph 25 of the Recommendation and in Article 18, **PI suggests including in Article 18 references to existing international instruments protecting the right to privacy such as the International Covenant on Civil and Political Rights (ICCPR) under Article 17.**

Article 19

PI strongly disagrees with the Office suggestion to move subparagraph (a) to (d) from Article 19 to the Recommendation. These subparagraphs provide clear and detailed obligations regarding problematic practices that are currently deployed with negative impact on digital platform workers. Considering that data protection frameworks can vary in their approach of those topics, PI supports the inclusion of clear requirements in the Convention to set a common standard for all Members, regardless of the status of data protection law in their jurisdiction.

Protection of migrants and refugees

Article 23

PI supports the Office suggestion to add “or engagement” after “recruitment” proposed in paragraph 94 of the Office commentary.

Dispute resolution and remedies

Article 24

It is vital that dispute resolution mechanisms and remedies in the platform economy are appropriate, effective and timely. In a context where most decisions are taken by automated systems, including those affecting access to work and working conditions, workers must have the possibility of meaningful human review. Notably important is the timeframe under which such mechanisms can be accessed, as workers subject to deactivation or termination might be put in highly vulnerable positions if they are unable to access any income. **PI suggests strengthening Article 24 by including a**

requirement on Member States to ensure access to such mechanisms is provided within reasonable time and without undue delay.

Implementation

Article 27

PI notes that due to the nature of digital platforms, efforts should be undertaken to ensure the Convention and Recommendation apply to platform workers engaged in work via platforms established in foreign jurisdictions and any cross-border platform workers.

DRAFT RECOMMENDATION

Paragraph 14

PI disagrees with the Office proposal to consolidate Paragraphs 14 and 15(a). Compensation for waiting time is a critical question for platform workers and the wording of paragraph 15 would not provide the same degree of clarity as to the need to ensure predictable and fair compensation for waiting time.

Paragraph 17

PI disagrees with the Office proposal to add “and the classification of digital platform workers”, as this would limit the reach of the instrument and the protection it aims to confer to digital platform workers.

Paragraph 22

PI welcomes this proposal for digital labour platforms to ensure regular monitoring and evaluation of the impact of the use of automated systems in collaboration with digital platform workers’ representatives. The Recommendation should also clarify that worker representative organisations must have access to the resources and funding required to participate fully and meaningfully in such evaluations.

Paragraph 23

Further to PI’s suggestions for Article 15, PI encourages the Office and Members to consider using Paragraph 23 to set in greater detail the level of information that should

be provided to digital platform workers with regards to the automated systems they are submitted to.

Particularly, PI suggests adding the following requirements to the existing text:

- Purpose and design of the automated system and why it has been preferred to other options;
- Inputs and parameters processed, their relative importance and origin;
- 'Real-world' interpretations or descriptions of any inferred parameters;
- Date of first deployment and last update;
- History of engagement and consultation with workers;
- Impact assessments produced by the digital labour platform of automated systems (including Data Protection Impact Assessments and/or Algorithmic Impact Assessments);
- The level of decision-making authority and overall resource capacity that oversight teams have;
- When in a decision-flow human decisions are made; and
- How much time is made available for human oversight decisions.

Digital platforms should also be encouraged to make their automated systems available for testing by workers, their representatives, and public interest organisations.

Paragraph 25

PI disagrees with the Office suggestion to remove Paragraph 25. PI notes that Paragraph 25 currently requires establishing safeguards to protect digital platform workers' **privacy** in addition to personal data, whereas Article 18 only addresses personal data. Breach of the right to privacy can occur through, but is not limited to, exploitation of personal data.

Paragraph 26

PI supports the establishment of policies enabling the portability of personal data that relate to the work of digital platform workers.

Paragraph 27

To further facilitate access to information regarding the functioning of automated systems deployed by digital labour platforms, **PI suggests requiring the inclusion in contract between digital platform workers and digital labour platforms of information on personal data processed in the course of their employment.**

Paragraph 28

PI disagrees with the proposal of the Office to remove this paragraph. Migrant workers face unique and additional administrative and legal barriers to exercise their rights, and their status as migrants should not be exploited by digital labour platforms to relieve themselves of their obligations towards migrant workers (including under UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), and other national, regional and international instruments which prevent discrimination on the basis of migration status).

Paragraph 32

PI disagrees with the Office suggestions to remove Paragraph 32 of the Recommendation. PI notes that the use of compliance mechanisms is currently absent from Article 18 and that such removal would weaken the obligations placed on states. **PI suggests, in order of preference, that either Article 18 requires States to respect privacy when putting in place compliance mechanisms or to keep Paragraph 32 as it currently stands.**