Privacy International's briefing on the Blue Report for 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 economy[2], on a joint declaration at the ILC25[3] as well as our analysis of the Brown Report.[4]

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.

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[1] Realizing decent work in the platform economy: Draft Convention and Recommendation, Report V(4), published 2 March 2026 and available here: https://www.ilo.org/sites/default/files/2026-03/ILC114-Report-V%284%29-%5BWORKQ-260102-001%5D-EN.pdf

[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

[4] Analysis available here: https://privacyinternational.org/advocacy/5693/analysis-draft-ilo-convention-and-recommendation-platform-economy

PI strongly supports the decision of the ILO 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. The ILO must now equip parties of this economy with adequate tools to meet those challenges, and to ensure that labour standards remain relevant to the dynamics at play in the platform economy.

Given the potential growth of automated systems to manage workers both within and beyond the platform economy, it is essential that the ILO uses its mandate to regulate practices that otherwise have the potential to undermine core labour standards.

The draft Convention and Recommendation address some of these challenges. However, PI remains concerned that the risks to fundamental rights posed by the use of automated systems are not sufficiently addressed by the current draft. In particular, PI encourages the ILO and its Members to strengthen the instruments in order to protect the privacy of digital labour workers by implementing the following measures:

- Address concerns regarding the scope (Article 2) and also different protections awarded to workers based on classification of employment relationship created in Article 9 and Article 11 of the Convention, and Paragraphs 6, 9, 10 and 11 of the Recommendation, **to ensure that the rights and labour conditions of all workers in the platform economy are protected by default from the onset**.
- Article 12 of the Convention: **require platforms to maintain a public register of automated systems deployed and to 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 14: **require the written explanations for decisions provided to workers to be personalised and provided automatically. They should 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 15: **ensure the existence of safeguards to protect both workers' privacy and personal data** rather than only the latter. Workers data should be protected in accordance with international standards and norms.[5]
- Article 20: **ensure access to dispute resolution and remedies is made available within a reasonable time and without undue delay**.
- Paragraph 13 of the Recommendation: Further expand **the level of information provided to workers before and after a decision is taken, including the source code**.

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 which member states will be legally obliged to adopt and implement.

The following sections provide further detail on PI's views on specific provisions of the Draft Convention and Recommendation.

DRAFT CONVENTION

II. 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 Members States might feel currently ill-equipped to address. However, in a number of places, the draft unnecessarily risks excluding some platform workers from its scope. The Convention should address the challenges of the platform economy in its full diversity and aim to protect all platform workers from the outset and prevent the unjust discrimination of certain categories of workers.

In particular, PI is concerned that certain protections are only to be enjoyed by those in an employment relationship. For example, with regards to remuneration or payment

[5] See: Privacy International, Data Protection Guide, https://privacyinternational.org/learning-resources/data-protection-guide

(under article 9 and paragraphs 9-11), social security (under article 11), and occupational safety and health (under paragraph 6).

As we have advocated before[6], the Convention must not discriminate on the basis of employment status. Safeguards around the uses of algorithmic management and control in relation to platform workers cannot only apply to workers recognised as being in an "employment relationship". The risks to workers' rights through systems such as dynamic pay and pricing algorithms impact all workers regardless of their employment status and can undermine their correct categorisation under employment classification procedures, enabling platforms to evade the enforcement of existing labour and employment standards.[7]

Furthermore, **we suggest the removal of the exception provided in Article 2(1)(b) "unless otherwise specified in this Convention" and Articles 2(2) to 2(5) as these provisions** provide Member States a concerning discretion to decide which workers would be initially protected and what categories of workers would be included progressively. Finally, 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.

VIII. Remuneration or payment

Article 10

We reiterate the need for Article 10 to include a requirement for workers to be provided information about how remuneration, payments and deductions are calculated.

[6] Submission available here: https://www.privacyinternational.org/advocacy/5362/privacy-internationals-response-ilo-questionnaire-realizing-decent-work-platform

[7] Ibid, response to question 16.

X. Impact of the use of automated systems

Article 12

While PI welcomes the general aim of Article 12 and acknowledges the discussion that took place during the 113th session of the International Labour Conference that the use of automated systems is having an impact on working conditions, we remain very concerned that the article in its current form 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 12 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.

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. **PI therefore suggests that Article 12 includes 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:
    - the purpose for deployment and rationale for the design of an automated system;
    - 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.[8]
- **Explain how human oversight of the automated system is provided.**

[8] 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

- 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 13 of the Recommendation in its current form. However, PI believes it is crucial for those elements to be 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. This information is 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.

The Convention should also put in place measures to ensure that **workers and their representatives have access to the technological expertise needed** in order to make effective use of the information provided (and the possibility for human review under Article 14). Where necessary, the platforms should be responsible for covering the costs incurred for this provision.

With these changes enacted, Paragraph 13 of the Recommendation should set out in further detail the information that must be communicated by platforms and how information exchange between platforms and workers and their representatives should take place (see our suggestions below).

Article 13

PI supports the inclusion of Article 13 as a positive obligation on both Member States and platforms to ensure respect of fundamental principles and rights at work.

However, PI expresses concern that issues that are central to digital platform workers including discrimination and harmful health effects, which were specifically articulated in a previous version of the Convention (original Article 16 in the Brown report) have been removed, and inserted instead in the Recommendation under Paragraph 15. Given the already well-documented concerns regarding those two issues, we believe that it is important that the Convention require Member States to take active measures to address those concerns and minimize the adverse impact on digital platform workers.

Article 14

PI notes the limited nature of Article 14 with regard to the scope and 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 expanding the requirements set out in Article 14. **Explanations should be provided for any decisions that impact their fundamental rights and** cover all decisions generated in whole or in part by an automated system.

These explanations should **include detailed and personalised information about the key parameters considered that influenced the decision, and how a change in those parameters could have changed the outcome.** This additional level of information would empower workers and their representatives to identify potential bias, errors and issues with the systems. The level of detail should match the information described in PI's proposition for Article 12 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.

PI also recommends **widening the set of decisions eligible for human review covered by Article 14(b) to include all decisions that impact workers' working conditions and access to work as defined under Article 14(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.

Finally, we are concerned by the insertion of the words 'on request', meaning that digital labour platforms will not be obliged to provide access to information that explains automated decisions by default. That information will often be immediately available due to the automated nature of the systems involved. This effectively puts the burden to workers and their representatives, perpetuating rather than addressing the

power asymmetry between digital workers and platforms. It is essential that this information be provided by default and not upon request. **We strongly suggest that the wording "on request" be removed from Article 14.**

XI. Protection of digital platform workers' personal data and privacy

Article 15

Whilst PI welcomes the intention of the newly worded Article 15 which encapsulates the protection of worker's personal data, we would suggest this article be further adjusted to require Members to establish appropriate safeguards concerning the protection of workers' right to privacy as indicated by the title of this section of the Convention rather focusing narrowly on the protection of workers' personal data.

Ensuring a wider protection and respect for workers' privacy is essential given the porous limit between workers' private life and their work creates risks of interference and can affect workers' autonomy and dignity.

Of the current wording of Article 15, we welcome the obligation to limit the processing of personal data "*only to the extent strictly necessary for the purpose of their employment or engagement*".

However, we are concerned by:

- the removal of text from Article 19 of the Brown report which included specific, clear and detailed obligations to address problematic current practices with negative impact on digital platform workers including: communication surveillance, monitoring of their participation in workers' organisations, processing of physical and mental health data, and the processing of personal data through their devices when not offering or performing work. **This text should be re-instated.**
- the addition of the language "*or as required by national laws and regulations*". As PI has documented extensively[9] governments have adopted laws which impose obligations on companies to retain and share personal data in ways which do not comply with international human rights standards. We are

[9] See: Privacy International, PI's briefing on national data retention laws, 19 March 2024, https://privacyinternational.org/report/5267/pis-briefing-national-data-retention-laws

concerned that this wording would create a loophole by which both governments and companies could utilise existing weaknesses in laws and regulations to process workers' personal data in contravention to the intentions of this article which would ultimately result in a failure to protect workers and their personal data. **We strongly suggest deleting that wording or alternatively clarifying that national laws must be compliant with international human rights law, including data protection standards.** Furthermore, considering that national data protection frameworks can vary in their approach of those topics, **PI would recommend 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.

- the removal of the reference "*…in accordance with relevant international instruments*", which was included in the Brown report under Article 18. **This text should be re-instated and PI suggests including in Article 15 references to existing international instruments protecting the right to privacy such as the International Covenant on Civil and Political Rights (ICCPR) under Article 17.**

XIII. Terms and conditions of employment and engagement

Article 17

We would recommend that Article 17 provide for digital platform workers to receive the information we are advocating they be provided in Article 12 in relations to the use of automated systems and the impact on their rights as well as their working conditions and access to work.

We are also concerned that the requirement for this information to be provided "*through written contract*" was removed in this version of the article compared to the wording provided for under Article 21 of the Brown report. **This text should be re-instated.**

XIV. Protection of migrants and refugees

Article 19

We are concerned that the wording of this article was weakened by removing the obligation for Member States to take "all necessary and appropriate" measures. Reinstating this language is particularly important given that a complementary paragraph that was included in an earlier version of the Recommendation was also removed.

As we had previously commented, 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.

XV. Dispute resolution and remedies

Article 20

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 20 by including a requirement on Member States to ensure access to such mechanisms is provided within reasonable time and without undue delay.**

XVIII. Implementation

Article 23

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

V. Remuneration or payment and working time

Paragraph 9 and 10

We are concerned by the changes made to this section of the Recommendation. Under the Brown report, Paragraph 13 prohibited digital labour platforms from charging fees or costs to all digital platform workers. However, under this revised section, the Recommendation now makes a distinction between workers "in an employment relationship" who remain protected from being charged fees or costs under Paragraph 9 and those who are not with Paragraph 10 now permitting digital labour platforms to charge them fees or costs.

We would recommend that protections provided for under Paragraph 9 apply to all workers regardless of employment relationship, and therefore the deletion of Paragraph 10.

VI. Social security

Paragraph 12

We are concerned by this wording "considering the classification of digital platform workers' status in employment", as this limits the reach of the instrument and the protection it aims to confer to digital platform workers. **We would suggest that this wording be deleted.**

VII. Impact of the use of automated systems

Paragraph 13

Further to PI's suggestions for Article 12, PI encourages the Members to set in greater detail in Paragraph 13 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;
- Details of any training data relied on to develop the system;

- 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 and source code available for testing by workers, their representatives, and public interest organisations.

As noted above regarding Article 12 and Article 17, this information must be provided in writing as well as be written into contracts.

Paragraph 14

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 15

Whilst we welcome that the Recommendation refers to specific concerns associated with the use of automated systems we believe that proposed Paragraph 15 (a) and (b) should be brought back into the Convention under Article 13.

VIII. Protection of digital platform workers' personal data and privacy

Paragraph 16

Whilst we welcome the prohibition provided for under Paragraph 16, we believe it would strengthen Article 15 of the Convention if these prohibitions were provided as legal obligation under the Convention rather than within Recommendation.

Paragraph 17

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

IX. Terms and conditions of employment or engagement

Paragraph 18

Whilst we welcome that this information should be provided in writing to further facilitate access to information regarding the functioning of automated systems deployed by digital labour platforms, as we have commented regarding Article 17 of the Convention, **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**.