

Joint Civil Society comments on the draft Convention supplemented by a Recommendation on decent work in the platform economy (Blue report)

May 2026

The second draft Convention and Recommendation on Decent Work in the Platform Economy (ILC.114/V(4), the “Blue Report”) represents a critical juncture in the ILO standard-setting process.¹ While we welcome the progress made since the first discussion and the Brown report,² we note with concern that several provisions previously included in the Convention in earlier drafts have been either removed, merged, or transferred to the Recommendation.

This risks weakening the binding nature of key protections and limiting the effectiveness of the instrument in addressing structural issues in the platform economy.

This joint briefing outlines our headline recommendations for changes to key provisions. It reflects our collective views and positions, and links to more detailed versions of these recommendations.

We urge the ILO to use the June 2026 ILC negotiations to restore and strengthen the binding core of this instrument.

Definitions

- In Article 1(a)(i), we **suggest the removal of the phrase “upon the request of a recipient or requestor”**, since it threatens to limit the definition to include only marketplace platform-models, which connect workers with consumers seeking their service. This risks excluding a wide array of platform-mediated work-arrangements, including those in which platforms’ relationship with workers is intermediated by subcontractors or other third-parties.

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 See: Joint Civil Society comments on the draft Convention supplemented by a Recommendation on decent work in the platform economy (Brown report), November 2025,

<https://privacyinternational.org/sites/default/files/2025-11/Joint%20Civil%20Society%20Briefing%20on%20Brown%20Paper%20November%202025.pdf>; Joint

Civil Society Declaration at the International Labour Conference 2025, June 2025,

<https://privacyinternational.org/advocacy/5595/joint-civil-society-declaration-international-labour-conference-2025>

Scope

- Article 2 of the Convention: We suggest **the removal of the exception provided by Article 2(1)(b) 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 onset. Any exclusion risks creating regulatory loopholes that platforms can exploit to avoid labour protections.

Occupational health and safety and workplace violence

- It's important to ensure that platforms take responsibilities on OSH and that they have an obligation of health and safety towards platform workers with associated preventive measures on OSH risks. We are concerned that the revised Article 4 of the Convention shifts the duty to take preventive OSH measures onto Member States rather than placing it directly on platforms. The drafting follows the framework of Article 6 of Convention No. 155, requiring Members to “specify the respective functions and responsibilities” of platforms and other actors. While we recognise the need for flexibility across national systems, this approach allows platforms to evade direct OSH obligations by routing accountability through national implementation. **We recommend that Article 4 be revised to clarify that the duty of prevention follows the principle of control: the entity that organises or controls work bears the primary obligation to ensure it is safe, regardless of the employment status of the workers concerned.** This is consistent with the approach taken in Convention No. 155 and is the only formulation that reflects the reality that platforms, not Member States, control the work processes, algorithmic systems, and incentive structures that determine whether platform work is safe.
- We are concerned that moving the specific OSH protections from the Convention into the non-binding Recommendation weakens their enforceability, and that Paragraph 6 as drafted is further qualified by the phrase “considering digital platform workers’ classification of status in employment.” This means that protections on long working hours, information and training, equipment safety, and protective clothing are all subject to the same classification-based exclusions that undermine the instrument as a whole. **We recommend retaining the substance of Article 5 in the Convention rather than the Recommendation, and deleting the reference to classification of status in employment from the chapeau of Paragraph 6.** OSH protection must not be contingent on employment classification: a delivery worker injured in a traffic accident has the same physical injury whether or not they hold an employment contract. **We additionally recommend that Paragraph 6(d) explicitly require that protective equipment be provided at no cost to workers, consistent with the Workers’ Group proposal.**
- Furthermore, we are concerned that the nature of digital labour platform work means that workers often do not become aware of occupational risks and dangers encountered by other workers. Hazardous sites or routes, for instance, are not

recorded by platforms or by any government agencies. To align with provisions provided for in Convention 155 (Articles 12 and 19 respectively), we **therefore would suggest adding 2 recommendations in Paragraph 6 of the Recommendation:**

- to ensure that that measures are taken to inform workers about the hazards they face when they are identified, with the suggested language as follows: **“that where equipment or processes used by digital platform workers are found to endanger their occupational safety and health, measures are taken to inform workers of these hazards and their rights in relation to mitigating them;”**
- to ensure that that workers and their representatives are enabled to enquire into health and safety matters, with the suggested language as follows: **“that workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;”**.

Employment relationship

- We are concerned that the current draft weakens the treatment of the employment relationship, which is central to addressing misclassification in the platform economy. The Convention should include clear criteria and mechanisms to determine the existence of an employment relationship, taking into account the realities of algorithmic management, including control over pricing, task allocation, performance monitoring and deactivation. Therefore, we strongly support the inclusion of a **rebuttable presumption of employment**, or equivalent mechanisms, to prevent the widespread misclassification of workers as independent contractors. The applicability of labour protections should not be contingent on formal classification, but on the **substance of the working relationship**. We suggest the following amendment to **Article 8 of the Convention**: “Member States shall ensure that the determination of the existence of an employment relationship is guided by the facts relating to the performance of work, including indicators of control exercised through algorithmic management systems. Such indicators should include, but are not limited to: control over remuneration, allocation of tasks, monitoring of performance, and the power to suspend or deactivate workers. Member States should introduce a **rebuttable presumption of employment** where such indicators are present.”

Guarantee of fair and living wages

- Article 9(2) of the Convention guarantees minimum wage protection and expense compensation only to workers “in an employment relationship,” while Article 9(3) requires Members to “to the extent possible and as appropriate” extend these protections to non-employed workers. This is structurally inadequate: the majority of

platform workers globally are classified, and many misclassified, as independent contractors or self-employed, meaning they fall outside Article 9(2) entirely. The “best efforts” standard in Article 9(3) creates no enforceable floor. **We recommend that Article 9(2) protections apply to all digital platform workers regardless of classification, or alternatively that Article 9(3) be replaced with a mandatory obligation rather than a discretionary one.**

- **We reiterate the need for Article 10 of the Convention to include a requirement for workers to be provided information about how remuneration, payments and deductions are calculated.** Remuneration provisions should ensure that all working time, including waiting and availability time, is adequately compensated.
- Under the Recommendation, **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.**

Access to social security

- We are concerned that Article 11 effectively excludes the majority of platform workers from any meaningful social security guarantee. The original text guaranteed platform workers social security “on terms no less favourable than those applicable to other workers in a comparable situation” — language that left room for substance-based comparison. The Office replaced this with “workers with the same classification of status in employment.” The consequence is that a platform worker classified as self-employed is compared only to other self-employed workers — who in most countries are excluded from contributory social security programs. **We would recommend this be amended to ensure that access to social protection should be guaranteed irrespective of employment classification.**
- Under paragraph 12 of the Recommendation, we are concerned by the following 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.**
- We are concerned that the Office has removed Paragraphs 18 and 19 of the Recommendation that were provided in the Brown report. Paragraph 18 required Members to progressively extend social security coverage where national systems are limited, with reference to Convention No. 102. Paragraph 19 addressed a specific gap within that: where existing social security schemes do not protect platform workers against contingencies arising from occupational accidents and diseases, Members should implement effective measures to progressively extend access to such protection. The deletion of Paragraph 19 is particularly significant given that platform workers face elevated risks of occupational accidents but are systematically excluded from occupational accident and disease schemes. **We recommend reinstating both Paragraphs.**

Transparency and explainability for algorithmic decisions

- Under Article 12 of the Convention, we **recommend requiring 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 updates of the systems concerned.** However, this should not only require transparency, but also set limits on the use of automated decision-making systems where these undermine workers' rights, including income security, working time, and access to work.
- We support 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, **we recommend 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) be reinserted in the Convention instead of being included in the Recommendation under Paragraph 15.**
- **We recommend that Article 14 of the Convention 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, the logic of algorithms and the level of human oversight. Workers should also have **access to review by a human being for any decision** that impacts their working conditions or access to work. Additionally, we recommend that the article require platforms to be subject to independent algorithmic audits by public or multistakeholder bodies, to prevent bias and ensure accountability. Workers should have the right to **contest and reverse automated decisions (such as automated deactivations),** not only to receive explanations.
- **We recommend that Paragraph 13 of the Recommendation further expand the level of information provided to workers before and after a decision is taken.** In addition to the information already described in the provision, it should include the categories of data and action monitored, supervised or evaluated by the automated systems and the categories of decisions taken or supported by such systems; the aim of the monitoring and how the system is used to carry out the monitoring; the categories of data that have an impact on working conditions (including but not limited to the assessment of remuneration of work carried out); and the way in which the personal data or behaviour of the worker influences these decisions. This information must be provided in writing as well as be written into contracts.
- We suggest that **Paragraph 14 of 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.**
- **We recommend that the Proposed Paragraph 15 (a) and (b) of the Recommendation be brought back into the Convention under Article 13.**

Protect workers' data and privacy

- We welcome the intention of the newly worded Article 15 which encapsulates the protection of workers' personal data, but 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. Data protection should be framed as a fundamental right, not merely as a compliance obligation.
- We **recommend that Article 15 reinstate language now provided for under Paragraph 16 of the Recommendation around 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.
- We **strongly suggest deleting the following wording under Article 15 "or as required by national laws and regulations" or, alternatively, clarifying that national laws must be compliant with international human rights law, including data protection standards.**
- **Furthermore, we would recommend that Article 15 includes a clear requirement to set a common standard for all Members, regardless of the status of data protection law in their jurisdiction, and reinsert reference to "...in accordance with relevant international instruments" and mention existing international instruments protecting the right to privacy such as the International Covenant on Civil and Political Rights (ICCPR) under Article 17.**
- In addition to the principles of data minimisation and purpose limitation (included in Article 15), **Article 15 should also specifically require members to ensure that platforms guarantee workers to access their personal data upon their request.**
- We **recommend that Paragraph 16 of the Recommendation should be moved to the Convention.**
- Furthermore, under Paragraph 18 of the Recommendation, we **suggest 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.**

Meaningful human intervention

- We **recommend that under Paragraph 13 of the Recommendation that platforms be required to provide workers with an explanation of how their automated systems are overseen, and in particular the role that human oversight plays in that process.**
- Before making any change to the configuration or the functioning of the automated systems or its oversight, where such a change can have a significant impact on working conditions or access to work, workers need to be given prior notification and information of the changes proposed. **We therefore would recommend that**

Paragraph 13(b) of the Recommendation include an obligation on platforms to provide workers a reasonable prior notice, with a detailed explanation of the proposed change.

Appropriate mechanisms to challenge adverse decisions and ensure access to effective remedies

- We support Article 16 of the Convention but we consider it insufficient on its own. Article 16 prohibits suspension or deactivation only where it is "based on discriminatory or otherwise unjustified grounds" — it says nothing about process, notice, or remedy. Platform workers consistently report that automated deactivations are frequent, opaque, and practically irreversible. **We recommend that Article 16 be strengthened to require: (a) prior notice to the worker before deactivation takes effect; (b) automatic access to a written explanation of the reasons at the time of deactivation; and (c) suspension of the deactivation pending the outcome of any human review requested by the worker.**

Signatories:

Privacy International

IT for Change

Workers' Observatory