



**The International Alliance of App-Based Transport Workers**

# App-mediated Industrial Relations

*Assessing implementation of ILO standards now and in the future*

*Prepared for the 113<sup>th</sup> International Labour Conference, Geneva 2 – 13 June 2025*

## Foreword

The International Labour Organisation (“ILO”) is using its double-discussion procedures to develop new standards for app-based work that will initially be considered at the 113<sup>th</sup> International Labour Conference scheduled for June 2025. (“113<sup>th</sup> ILC”) The ILO produced several documents, including two versions of a report titled “Realising decent work in the platform economy” to support the discussions.

The Workers’ group was invited to submit responses to a questionnaire about the form and content of prospective legal instruments. The ILO recorded 195 responses that are classified as coming from the workers group. As a result of the questionnaire, the ILO decided to pursue both a new convention and a new recommendation.<sup>1</sup>

App-based platform work has introduced major changes to the way employment is traditionally conceived, particularly around worker classification. These changes create challenges for ILO member countries to ensure workers can access fundamental principles and rights at work (“Fundamental Principles”, “FPRW”) as well as broader ILO conventions and related social protections.

The ILO lacks official data on the number of workers in the so-called platform economy. ILO reporting for the ILC cites information from a variety of sources, including a 2023 report by the World Bank that estimated “154 million unique registered gig workers worldwide.”<sup>2</sup> In the absence of a better source, 154 million platform workers will be used as the baseline for this report.

Social partners are caught up in debates over whether these workers are employed or are partners in a new form of business relationships. More than any other time in the ILO era, workers are left to observe the fight while they are held independently responsible for implementing the FPRW as their own employers and for assuming liabilities that would ordinarily be assumed by an employer.

Over the past decade, technology, internet accessibility, misinformation and an under-developed regulatory environment have enabled global growth for multinational enterprises offering services and products via digital platforms. Among other things, these enterprises manage worker activities either remotely or in specific geographic locations. Their software manages transportation and delivery performed by millions of people, informalising work and industrial relations for significant parts of the economy.

The employment status of platform workers is debated: platform employers such as Uber describe their workers as “partners” who are independent contractors rather than full employees. This classification leaves workers vulnerable, limiting their access to employee benefits, freedom of association rights, and fair compensation.

What is striking about the practices by ILO social partners is the extent to which ordinary enterprises are now accepted as exceptional businesses that deserve special exemptions from corporate and labour laws. Platform enterprises cite “innovation” to justify exemptions from dozens of policies intended to protect workers and consumers. Enterprises deploy extensive political capital to lobby governments for freedom from regulatory frameworks for labour, taxation, safety, industrial relations, antitrust, and social protection.

**Employers** argued that if existing labour laws were effective, workers would remain in traditional employment. However, fragmented labour markets allowed businesses to promote alternative work models by emphasizing benefits like flexibility and autonomy, despite the risks to job stability. In practice, many companies deliberately shifted from traditional human resource management to digital platforms, limiting worker agency and forcing ILO members to respond with retroactive policy measures

**Workers** facing limited employment options, encountered labour markets where inequality was embedded in traditional “social partnership” employment models. European enterprises

further reinforced this inequality by (a) creating two-tier bargaining standards within Europe and (b) resisting efforts to extend these protections to workers in foreign markets. As a result, many workers lost confidence in social partnership models that no longer delivered tangible protections. At the same time, emerging digital platforms offered what appeared to be a more flexible, albeit uncertain, alternative to traditional employment.

The lack of clearly defined “employer” and “employee” roles in digital platform work presents major challenges for worker protection. If one industry can be managed entirely through an app without formal employment relationships, the model could spread to other sectors such as retail, hospitality, construction, and transportation. This raises serious concerns about fair working conditions, freedom of association, and access to just compensation when workers are classified as independent contractors rather than employees.

In building an ILO convention and recommendations for a new “platform economy,” the category of self-employment must be revisited and interrogated if we are to protect App-based workers’ rights. Workers have limited ability to access their rights in an independent, one-sided “platform economy.”

### **IAATW adds the voice of App-based workers from the top 15 countries for platform work**

The leading edge of this new workplace is App-managed transport and delivery. **The International Alliance of App-based Transportation Workers (“IAATW”)** has emerged as the primary representative organisation in the App-managed transport segment, with more than 100,000 affiliated members across six continents. IAATW is the first multinational trade union organisation to represent global workers of Uber, Door Dash, Delivery Hero, Bolt, Grab, UberEATS and other enterprises in app-managed transport and delivery. IAATW predominantly represents workers treated as independent contractors irrespective of classification disputes.

IAATW and its affiliates draw on worker-driven evidence to deliver an innovative industrial relations approach. In practice, IAATW reflects the political and social realities of each jurisdiction where its affiliated members organise, rather than adopting a “one size fits all” approach. IAATW has had to experiment and adapt, to serve its members as an effective multinational counterparty to Multinational Platform Enterprises (“MNPEs”) in the transport, delivery and ride-sharing segments.

Despite facing significant obstacles from MNPEs, governments, and – unfortunately – other worker organisations to develop what it considers best practices for implementing existing ILO standards in App-managed transport and delivery work.

This IAATW Report offers comprehensive insight into the real-time experiences of automobile, bicycle and motorcycle drivers (“App-based transport workers”) and provides workers’ views of their presumed counterparty for industrial relations, the MNPEs. This report contains new evidence that should assist the ILO standard-setting efforts to keep pace with the disruptions that characterise the segment.

The report draws upon the ILO social partnership model for genuine discussion while raising concerns about the normative process for new standards in this atypical and misunderstood area of work. It also urges caution in a complicated environment for international law, when ILO Member country appetite for globally applied standards and worker power are at a particularly low ebb, noting that it would be dangerous to advance negotiations on international standards in a context where concessions on workers’ rights seem inevitable.

This IAATW Report departs from previous ILO reporting and discussions by providing testimony of the actual experiences of App-based transport workers in trying to implement FPRW and domestic labour standards. The objective of this study is to understand contemporary strategies to address the challenges posed by MNPEs, and to fully represent App-based transport workers’ experiences, to further the shared goal of realising FPRW in this area.

## Structure of this report

This report is provided by the International Alliance for App-based Transport Workers for agenda number 5 of the 113<sup>th</sup> ILC. This report is presented in three parts; the first part is a summary of current international gaps and approaches taken by the ILO and its social partners. Part two provides a tour of surveyed worker and IAATW affiliate experiences with App-managed enterprises. Part three concludes with a summary of actionable recommendations to ILO members based on the findings.

## Report authors and credits

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Additional information can be found at <https://IAATW.org>.

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## Executive Summary of Issues

### **1.1 App-managed work extends deficits in the application of ILO standards to 2.5 billion workers worldwide.**

1.1.1 154 million App-based platform workers.

1.1.2 2 billion unrepresented informal workers.

1.1.3 400 million formal *employees* are not covered by a collective bargaining agreement in just the 38 countries that are members of both the ILO and OECD.

### **1.2 The ILO excludes the perspectives of App-based transport workers from countries outside of the European Union.**

1.2.1 The ILO Workers' and Employers' groups structures are not presently open to the App-based workers' organisations and MNPEs.

1.2.2 Several IAATW members responded to the ILO questionnaire but are not included in the reports.

1.2.3 Workers from countries with 80% of the industry represent only 7% of the recorded responses to the ILO questionnaire.

1.2.4 India's 34 million App-managed transport workers are 3x the number of workers in the entire EU, yet India workers carry 33x less weight than EU workers in the ILO report.

### **1.3 Multinational Platform Enterprises ("MNPEs") are ordinary businesses.**

1.3.1 The ILO social partners have largely focused on defining the "future of work" and "platform worker" and "digital labour platforms" which are not terms used by enterprises or workers.

1.3.2 Transport and delivery MNPEs deploy their proprietary digital tools to serve a variety of highly regulated job classifications. Too often these laws and regulations are presumed responsibilities of workers when they should be responsibilities of the enterprises.

1.3.3 Innovation is cited by the MNPE as an acceptable exception to ILO member countries' rights to self-regulate.

### **1.4 More work is needed to understand MNPE management decisions and their impacts on App-based transportation workers.**

1.4.1 MNPE management control algorithms that govern all aspects of App-based transport work, including income, taxation, discipline, termination and reprisals for unknown reasons.

1.4.2 MNPEs require App-based transport workers to navigate multiple, competing relationships with highly capitalised multinational enterprises, small and medium-sized businesses ("SMEs") and consumers.

1.4.3 MNPEs interfere with independent decisions of App-based transport workers in ways that deprive workers of benefits normally afforded to truly independent contractors in a well-regulated market.

### **1.5 Flexibility has led to widespread litigation and competitive policymaking over fundamental principles and rights at work ("FPRW").**

1.5.1 Divergent definitions of worker, employee, independent contractor prevent international policy coherence for App-based transport workers.

- 1.5.2 Where collective bargaining predominantly takes place (national, sectoral, or firm level) affects the scope of the proposed convention.
- 1.5.3 Eighty percent of global app-managed work takes place in countries with enterprise-level bargaining which is not conducive to covering workers in a broad category like “platforms work.”
- 1.6 App-based transport workers routinely assume costs necessary for carrying out their work that would normally be operating expenditures for enterprises beyond MNPEs.**
  - 1.6.1 Workers acquire and maintain all equipment and assets needed to perform services for the MNPE.
  - 1.6.2 Workers are held responsible for any product faults and product due diligence failures on the part of the MNPE and/or its business relations.
  - 1.6.3 Workers are forced to replace unfulfilled products on their own unpaid time.

## Terminology used in this report

**Employment.** Any activity to produce goods or provide services for pay or profit. (ILO)

**Work.** Any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use. (ILO)

**Traditional (ILO) Work Categories.** ILO System of National Accounts (SNA) includes five “forms of work.”

- *own-use production work:* production of goods and services for own final use;
- *employment work:* work performed for others in exchange for pay or profit;
- *unpaid trainee work:* work performed for others without pay to acquire workplace experience or skills;
- *volunteer work:* non-compulsory work performed for others without pay; and
- *other work activities.*

**App-based work.** In the absence of an internationally accepted definition, this report uses the IAATW definition: any work performed for others that is organised, monitored, managed, and remunerated via applications, websites, or other technologies regardless of employment status. (IAATW)

**Multinational enterprise (“MNE”).** Multinational enterprises include enterprises – whether fully or partially state-owned or privately owned – which own or control production, distribution, services or other facilities outside the country in which they are based. They may be large or small; and can have their headquarters in any part of the world. The degree of autonomy of entities within multinational enterprises in relation to each other varies widely from one such enterprise to another, depending on the nature of the links between such entities and their fields of activity and having regard to the great diversity in the form of ownership, in the size, in the nature and location of the operations of the enterprises concerned. (ILO MNE Declaration 2022)

**Multinational platform enterprise. (“MNPE”)** A MNE that produces proprietary digital technology used to manage commercial activities, including subscriptions, pricing, production, sales, distribution, services, and work outside the country in which they are based. (IAATW)

**App-based worker and App-based transport worker.** An individual who performs work offered and managed by one or more MNPEs and provides services that affect productivity of the MNPE.

# Part I. Implementation Gaps

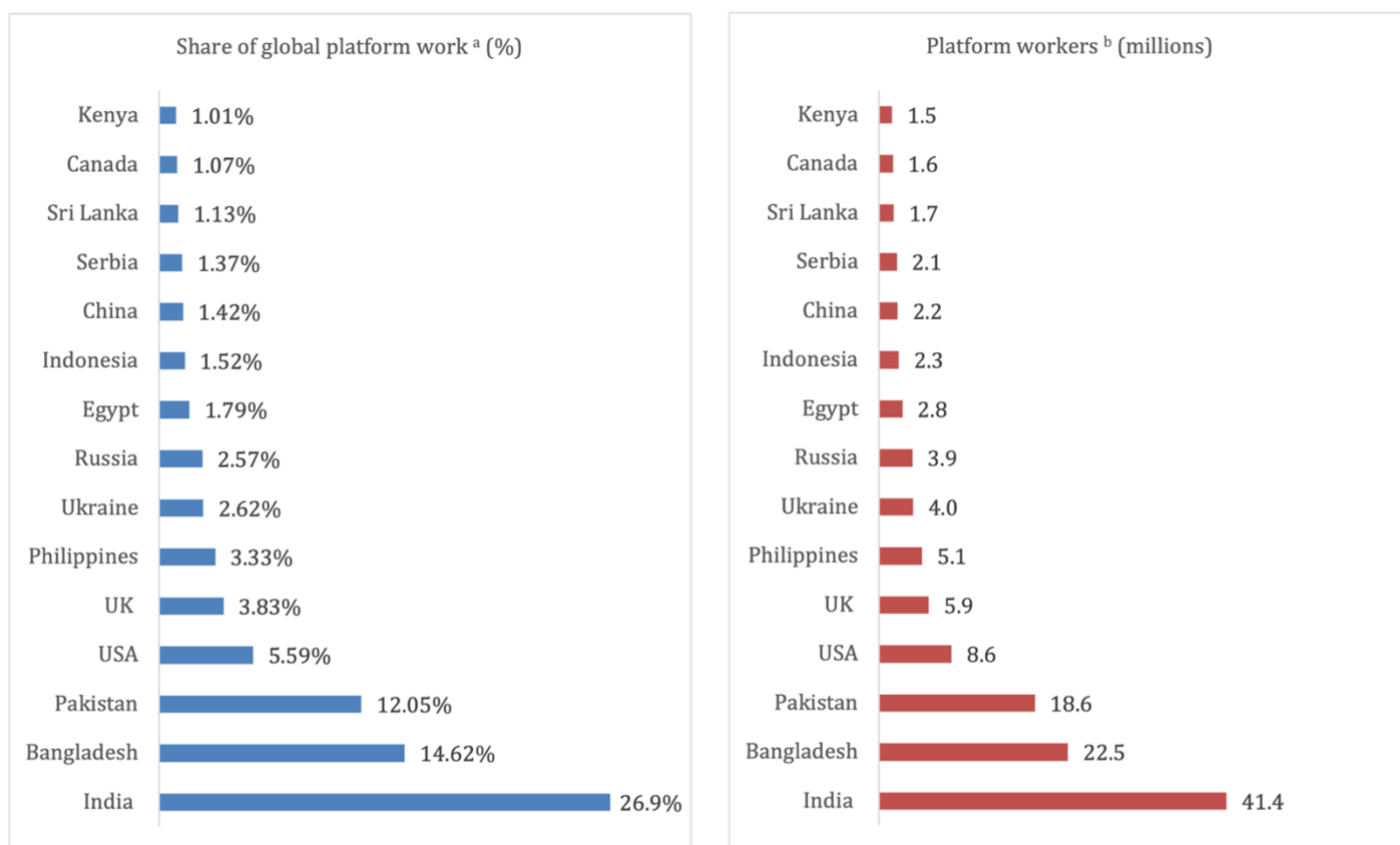
## 1 ILO

### 1.1 The scale of App-managed worker impacts

The ILO acknowledges the problem of identifying the scale of the global App-managed workforce. The ILO resorts to several estimates and methods contained two versions of the ILO report titled *Decent work in the platform economy*.<sup>3</sup>

The ILO identifies the top 15 countries with 80% of global app-based work, all of which are outside of the European Union. (“Top 15 Countries”) The ILO also cites World Bank estimates that there are 154 million App-based transport workers. Combining these two approaches gives us a picture of the full national and global scale of App-managed work and impacts. (Figure 1) These top 15 countries with 80% of the global market form the context for the rest of the IAATW Report. Eighty-two million App-based workers, 53% of global App-based workers, are in three countries with high levels of informality: India, Bangladesh, and Pakistan. (Annex A)

Figure 1: Top 15 countries with 80% of global platform work



a – ILO Realizing decent work in the platform economy (v1) Figure 2, “Share of all workers on major online platforms globally, top 15 countries worldwide.” Page 19.

b – Share of all workers as a percentage of 154 million global gig workers estimated by World Bank, all sectors.

The shift to App-based transport work affects around 100 million direct jobs in road transport. The International Transport Forum reports 168 million direct jobs in transport corresponding to approximately 7% of global employment and 61% in road transport.<sup>4</sup>



## 1.2 ILO Convention Gaps

The fundamental conventions of the ILO predate current working conditions and could not have anticipated App-based transportation work. More recently adopted national legislative frameworks developed to comply with ratified conventions have the most potential to cover App-based transportation. The ILO gap analysis<sup>5</sup> confirms, however, that the ILO process is tacitly moving away from its fundamental conventions towards a 3rd worker classification.

IAATW observes significant gaps in definition and scope based on the ILO adoption date and ratification by the top 15 countries.

*Figure 2 Ratification of fundamental conventions in the top 15 countries*

<b>Country</b>	<b>C. 29</b>	<b>C. 87</b>	<b>C. 98</b>	<b>C. 100</b>	<b>C. 105</b>	<b>C. 155</b>	<b>C. 154</b>
<i>Kenya</i>	1964		1964	2001	1964		
<i>Canada</i>	2011	1972	2017	1972	1959		
<i>Sri Lanka</i>	1950	1995	1972	1993	2003		
<i>Serbia</i>	2000	2000	2000	2000	2003	2000	
<i>China</i>	2022			1990	2022	2007	
<i>Indonesia</i>	1950	1998	1957	1958	1999		
<i>Egypt</i>	1955	1957	1954	1960	1958		
<i>Russia</i>	1956	1956	1956	1956	1998	1998	2010
<i>Ukraine</i>	1956	1956	1956	1956	2000	2012	1994
<i>Pakistan</i>	1957	1951	1952	2001	1960		
<i>Philippines</i>	2005	1953	1953	1953	1960		
<i>United Kingdom</i>	1931	1949	1950	1971	1957		
<i>United States</i>					1991		
<i>Bangladesh</i>	1972	1972	1972	1998	1972		
<i>India</i>	1954			1958	2000		

The ILO gap analysis intended to understand two types of gaps across twenty ILO standards. The first was the personal scope of application of international labour standards. The second was “thematic” issues that did not appear to be addressed in existing ILO standards.

The app-based transport industry as it is currently constituted and regulated interferes and undermines potentially all ILO conventions. This report will prioritise the fundamental conventions and recommendations that IAATW considers relevant to the App-based transport industry, including Conventions 29, 87, 98, 100, 105, and 111. Convention 154 is not ratified by 13 of the top 15 countries but would be relevant.

**Conventions Nos 87 and 98.** The most glaring issue with the ILO normative gap analysis is Freedom of Association and Collective Bargaining (ILO Conventions 87, 98 and 154). The ILO analysis found “there does not appear to be any gap in the scope or issues covered by Conventions Nos 87 and 98.” Workers’ experiences do not match this view.

Wherever App-based transport workers are defined as independent contractors, the law typically interferes with their perceived rights to organise, join unions and collectively bargain

contracts. Keeping the current model, where MNPEs are free to define whether workers are employed or self-employed, will eliminate millions of workers from coverage, which the workers and their representatives consider an enormous normative gap. It is crucial to strengthen terminology and definitions to enable platform workers' access to ILO rights, and in particular the right to form trade unions for collective bargaining.

Most of the top 15 countries have ratified Conventions 87 and 98. However, the United States has not and has yet to resolve the question of App-based worker classification. Considering the United States is home to three of the most influential MNPEs (Uber, Doordash, and Lyft), the lack of support for ILO conventions presents consequences for the rest of the top 15 countries and beyond.

The ILO reported 2 billion informal workers in 2023.<sup>6</sup> These workers are denied access to fundamental ILO conventions that are now being denied to 154 million platform workers.

A 2022 ILO working paper reviewed attempts by unions to negotiate collective bargaining agreements in European countries, Korea, Chile and the United Kingdom.<sup>7</sup> The paper highlights the challenges for FPRW in this novel industry. Because employee-employer bargaining units were applied, the CBAs ultimately only covered employees and not so-called self-employed workers. The existing union structures under existing national laws were unprepared to cover most App-managed workers who would be considered self-employed or independent contractors under those laws. The result is workers are forced to accept the MNPE interpretation or seek remedy in the courts.

***Box 1. Challenges with applying ILO C. 87 and C. 98 identified in the ILO working paper***

*Scope of application: The CBAs identified apply to employees and not to self-employed workers in the location-based platform economy. However, it is important to note that the majority of platform workers do not work as employees but as independent contractors. Therefore, most platform workers do not fall under the scope of application of the CBAs identified. A few of them were intended to apply to self-employed workers in the platform economy, but those have either been retracted or their application has been contested in labour courts.<sup>8</sup>*

ILO standards were designed when work was conducted and regulated through the presumption of employee-employer relationships. Despite the most well-intended recent efforts, the ILO standards were not designed to address the current – informal, app-managed, independent, flexible, precarious – workforce. As this report previously discussed, there is no existing norm suitable for measuring modern working relationships. If existing norms withstood modern work practices, we would not see one-third of the global workforce falling outside the normative standards and there would be no need for additional conventions, laws, and regulations.

**Forced labour (C.29 and C.105)**

The ILO similarly found no gaps in scope or issues covered by Conventions 29 and 105 dealing with forced labour. The IAATW analysis and App-based transport worker experiences demonstrate significant gaps. All the top 15 countries except the United States have ratified **ILO C. 29**. All the top 15 countries *including* the United States have ratified **ILO C. 105**.

Contrary to the ILO analysis, IAATW sees evidence of forced labour in the use of Algorithmic management. Algorithms are used as reprisals and can be construed as a menace and penalty undisclosed to App-based transport workers when they subscribe to the platform company's application.

*No one can understand why our ID gets blocked. We ourselves keep wondering what went wrong. The companies neither give any warning nor any reason for such deactivations. Even if they do give any reason, it is often very vague.*

*~ App-based transport worker from Ghana <sup>9</sup>*

*Another major issue is that these apps keep showing rewards and punishments like a video game, pushing me to stay online 24/7, as if we are machines, not human beings, expecting us to work continuously to generate revenue for these companies.*

*- App-based transport worker from India <sup>10</sup>*

When they sign up to an MNPE app, App-based workers are not informed about monitoring algorithms and the collection and use of data to organise, supervise, and evaluate work, along with possible adverse impacts. After working on the app they learn the full picture. The resulting uncertainty and fear of algorithmic discipline and deactivation is widespread in the App-based transport industry.

### **Equal Remuneration (ILO C.100)**

All the top 15 countries except the United States have ratified C. 100. However, ratifying legislation occurred before the conditions in the App-based transport industry existed. Contrary to the ILO analysis that C.100 “do[es] apply to all platform economy workers, App-based transport workers are *not* covered due to disputes over employment terminology. Convention 100 defines remuneration and equal remuneration as being “paid by the employer to the worker and arising out of the worker’s employment.” In countries that structure App-based transport work as self-employment, there is no such remuneration and C. 100 could not be applied to platform economy workers. App-based workers are paid a percentage of the service transaction, which is not a clear form of remuneration in the ILO. As our report demonstrates, there is little consensus about MNPEs being employers, let alone App-based workers being employees or the work being “employment.”

### **Occupational Health and Safety (C. 155)**

Only four<sup>1</sup> of the top 15 countries have ratified **ILO C. 155**, representing application and thematic gaps. The ILO analysis confirmed Convention 155 does not extend to self-employed workers. In addition, IAATW notes Convention 155 only applies to *workers in the branches of economic activity covered* when it was adopted in 1951. App-based transport work was not a branch of economic activity. Furthermore, the definition of “workers” is conditioned on being an “employed person.” The term “workplace” covers *places where workers [i.e. employed persons] need to be or to go by reason of their work and which are under the direct or indirect control of the employer*. However, MNPEs control the work performed by App-based transport workers over an entire metropolitan area and the semblance of a “workplace” is not a specific place.

## **1.3 ILO Recommendations expanded the gaps**

**Employment Relationship Recommendation, 2006 (No. 198).** The ILO’s Gap Analysis found no normative gaps, and the recommendation was “fully relevant in the context of the platform

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<sup>1</sup> Russia, China, Ukraine and Serbia.

economy.”<sup>11</sup> This leaves the door wide open to one-sided business interpretations of international labour standards to their own liking.

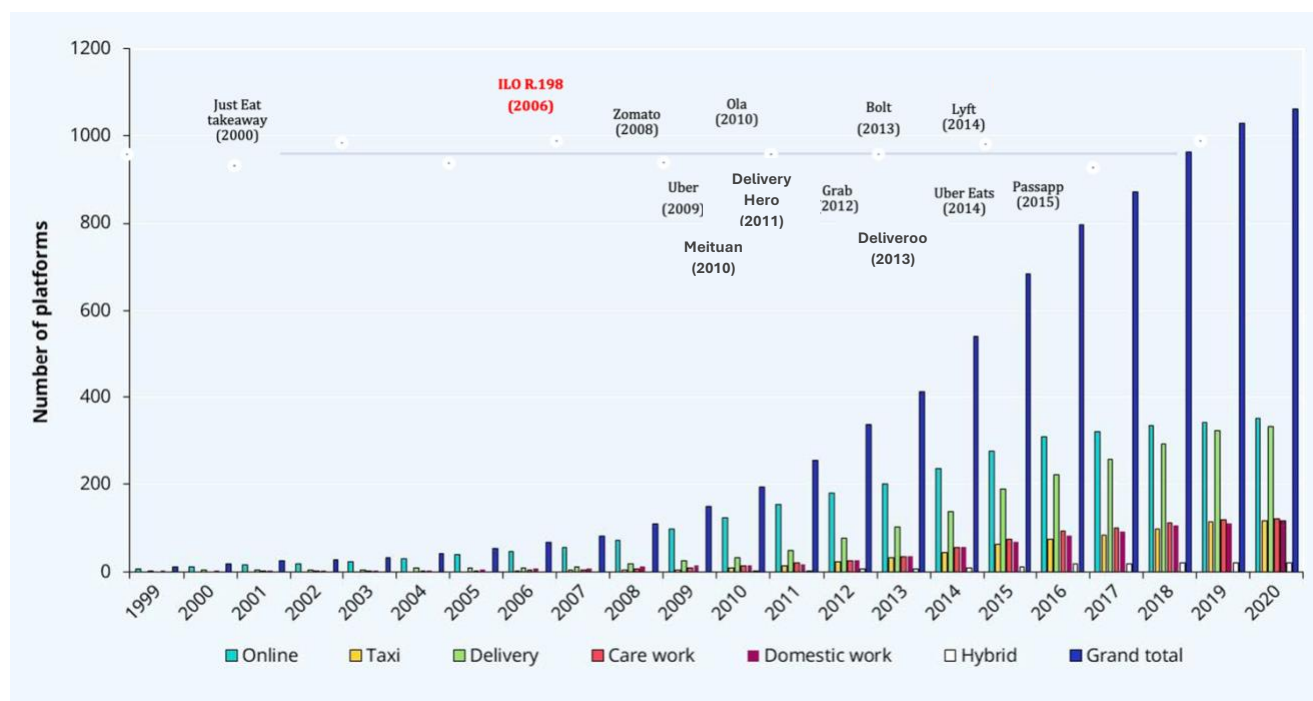
The Employment Relationship Recommendation (2006) invited the problem faced by App-based transport workers by enabling ILO members to set apart independent contractors from worker protections. Since R. 198 was adopted in 2006 informal work has grown to 2 billion and app-based work has grown to 154 million.

### Box 2. ILO Recommendation 198<sup>12</sup>

*1.8. National policy for protection of workers in an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that individuals in an employment relationship have the protection they are due.*

Figure 3 demonstrates the timeline of platform growth on top of the ILO Realising decent work report (v1) with the timeline of ILO Recommendations and transportation MNPEs. All the MNPEs examined by IAATW in this report originated after ILO R.198 which was followed by exponential growth in numbers of platforms. All these MNPEs have used arguments that they form “true commercial relationships” with App-based transport workers to justify their preferred classification of App-based transport workers as independent contractors. Existing tests for determining disguised employment are not sharp enough to serve as an adequate counter to this claim.

Figure 3: History of ILO Recommendations & Transport MNPEs



First, workers perceive their relationship as one of employment. Wherever App-based transport workers are defined as independent contractors, the law often interferes with their perceived rights to organise, join unions and collectively bargain contracts.

The standard setting process in 2025 is to correct the issues created by the 2006 Recommendation. Focussing on misclassification and the “employee” definition as the ILO did in 2006 enabled circumstances leading to 154 million App-based workers of employment rights and protections.

**ILO Recommendation 204, “Transition from the Informal to the Formal Economy - 2015”** contains three unmet objectives that apply to the current efforts for the “platform” economy. Despite overwhelming evidence of exponential informalisation of formal economy jobs in the platform economy, contrary to the Recommendation’s objectives, the gap analysis found “Recommendation No. 204 does not appear to present normative gaps in terms of its scope or the issues it covers.”

**Box 3. ILO Recommendation 204 objectives <sup>13</sup>**

- 1. facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers’ fundamental rights and ensuring opportunities for income security, secure livelihood and entrepreneurship;*
- 2. promote the creation, preservation and sustainability of enterprises and decent work in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies; and*
- 3. prevent the informalisation of formal economy jobs.*

App-based transport workers observe significant gaps as work is more informal than ever.

*Our work is marked by enormous control, manipulation and discipline by the app companies every day, yet the latter are not designated as employers. Instead, these companies categorise us using fake terminologies like partners, dashers and independent contractors that have no national or international relevance. We drivers and riders therefore need to designate as employees under all applicable laws.*  
*App-based driver from Ghana <sup>14</sup>*

## 1.4 Additional gaps in the system of national accounts

In 2013, the ILO updated its System of National Accounts (SNA) to include five “forms of work.”<sup>15</sup> Within this system, App-based transport workers always fall into employment work.

The activities performed by both parties (App-based transport workers and MNPEs) would qualify as “Employment work” using the ILO SNA classifications. Misclassification is likely to occur when work is treated as “own-use production.”

**Employment work:** *work performed for others in exchange for pay or profit;*

App-based transport workers perform work for others – the MNPE, businesses and consumers – in exchange for a service fee, but are generally unable to rely on defined and predictable earnings after expenses, liabilities and taxes are paid, unlike true independent contractors. MNPEs, on the other hand, rely on work for pay and are highly profitable. For workers, the payment they receive for work is at the whim of the MNPE and its algorithm. MNPEs also perform work (i.e. developing and managing the application) for others in exchange for pay or profit.

***Own-use production work: production of goods and services for own final use;***

App-based transport workers and App-managed enterprises produce services exclusively for others and not their own final use. Legislation enables misclassification when it treats App-based transport workers as self-employed businesses producing goods and services for their “own final use.”

Multinational platform enterprises (MNPEs) provide services to customers—such as ridesharing or food delivery—through app-based transport workers. Misclassification arises when these workers are treated as independent contractors, offering services for their own personal profit, rather than on behalf of the MNPE. This classification omits their role in the production process and obscures the fact that their labour directly generates profit for the platform enterprise.

The proposed Convention and Recommendations seem to define a different classification at 3(b), “employed or engaged to work for remuneration.” Unless the standards definitively classify App-based transport work as employment, competing arguments for flexibility are certain to perpetuate the never-ending debate over the work being employment or own-use.

***Box 4. Conclusions towards a Convention definition 3b***

*3(b) the term “digital platform worker” means a person employed or engaged to work:*  
*(i) for the provision of the service organised by a digital labour platform;*  
*(ii) for remuneration;*  
*(iii) regardless of their status in employment or whether they work formally or informally.*

## 1.5 “Yellow paper” excludes responses from millions of App-based workers

The ILO social partnership excludes non-union organisations from actively participating in standard setting processes. Several jurisdictions have rejected applications by IAATW affiliates to register as trade unions. Instead, the organisations register as something else: a charity, a trust, a society, etc.

Their exclusion presents another fundamental challenge for the ILO standard-setting process. The ILO recorded replies from 140 governments, 116 employers’ organisations and 195 workers’ organisations.<sup>16</sup> The ILO “yellow paper” indicates that 70% of governments did not consult with business and worker organisations. Besides the organisational restrictions, there are several other reasons the responses are not sufficient for reaching conclusions with an eye towards reaching a convention and recommendation.

Worker responses disproportionately reflected the views from the EU (32%) which only represents 19% of the App-based industry. The EU has 3x the weight of India, which has 33x more App-based work than the entire EU. Only 17 responses (9%) came from one of the Top 15 countries with 80% of global platform work<sup>17</sup> and excludes 4 of the top 15 countries – China, Sri Lanka, UK, and Ukraine. (See Annexes B and C)

### 1.5.1 App-managed worker organisations are not recorded in the survey results

Only 16 out of 195 worker organisation responses came from organisations representing App-based transport workers:<sup>18</sup> IAATW affiliates known to have responded did not appear in the final



ILO report. No responses were reported from organisations that represent App-based transport workers whose domestic government prevents them from registering as “trade unions.”

- 11 responses (6%) come from unions representing App-based transport workers.
- 4 responses (2%) came from unions representing Domestic Workers/Care workers.
- 1 response (<1%) came from a general “App-based worker” organisation.

### 1.5.2 Trade unions without representation dominate the responses

Trade union centres and global unions dominated the remaining responses in the survey, giving the Workers’ group input a significant bias towards traditional employment and industrial relations structures that is not relevant to countries hosting 80% of global App-managed work.

- 180 responses (92%) came from trade unions likely to have contributed to the “aligned responses.”
- 135 responses (68%) came from National trade union centres and confederations that represent workers indirectly through their affiliated sectoral unions.
- 19 responses (10%) came from trade unions that represent professional, academic, and public sector employees that would be incompatible with App-managed work.

## 1.6 Deficiencies in the draft convention and recommendation

The bias towards non-App-managed work affects the definitions (A, beginning at p. 149) and expands gaps for App-based transport workers in the conclusions towards a convention and recommendation. In addition, the Convention does not address future circumstances, such as wholesale transformations from App-based work to driverless transportation.

### 1.6.1 Terminology issues (A)

- *Digital labour platform* (3.a) is not a corporate form and has no meaning in global corporate governance. The “platform” is a product and not a “natural or legal person” in any jurisdiction. The proposed text exempts relevant enterprises from a multitude of laws and regulations. The appropriate terminology would be aligned with traditional enterprises and not distinguish the product (the platform, app, etc.) of the enterprise.
- *Digital platform worker* (3.b) is not an accurate description of the workers. “(i) The provision of services” is facilitated but not “organised by the Multinational platform enterprise.” (ii) the definition of “remuneration” may not be applicable in many jurisdictions. (iii) the status of employment is the source of conflict that prevents App-based workers from accessing standards in the first place. The definition and overwhelming flexibility in the draft does not resolve this conflict.
- *Intermediary* (3.c) An artificial device or application cannot be an intermediary. As it is defined, some industrial trade unions could be treated as an intermediary for performing representational activities and making job postings. Intermediary should be deleted.
- *Remuneration* (3.d) until there is a definition of work, the term “remuneration” cannot be applied to App-managed work in many Member countries. There are few if any “laws, regulations, collective agreements, or contractual obligations” that speak to any “amount due” to an App-managed worker. The standards are likely to expand the problem to the extent some Member states seize on the ambiguity and enact laws that exempt App-based transport workers from employment definitions, collective bargaining, social protection schemes and minimum wage constructions based on an hourly calculation.

### 1.6.2 Conclusions with a view to a convention (B)

The *Proposed Conclusions with a view to a Convention (B)* expands flaws in the definitions and cements adverse impacts into a prospective convention.

- The *Preamble* and *Scope B.7* recognises “expansion of digital labour platforms” and in doing so disconnects the standards from the actual industrial relations conditions by App-based transport workers.
- The *Preamble* recognises an alternate “platform” economy which does not exist. MNPEs create digital and online products that operate in the existing economies.
- The so-called “platform economy” has not generated employment for the simple fact that governments have accepted MNPE arguments against App-managed work being counted as “employment.” App-based transport workers have been forced outside of traditional employment definitions and statistics. Furthermore, App-based transport workers face *more significant barriers*, in the form of higher expenditures, assets, liabilities, capital investments, and a multitude of risks related to work conducted via apps produced by multinational digital platform enterprises.
- *Scope B.8* enables countries to exclude from coverage of the entire Convention “limited categories of digital labour platforms.” Unless this covers enterprises and not “digital labour platforms”, countries will automatically exclude more than limited categories of work. In addition, representative organisations of employers do not exist across the board. MNPEs have not conceded being employers and governments have not legally defined them this way. Partly as a result, App-based transport workers are not able to have their representative organisations recognised.
- An additional provision should be considered to address evolving circumstances, such as what happens if or when app-based transport transitions to driverless transport.

### 1.6.3 Conclusions with a view to a Recommendation (C)

The *proposal for a Recommendation* extends flaws in the Draft Convention, particularly the fundamental issues with terminology that prevents representation, in proposing a framework for terms and conditions of platform work. Several terms and conditions within the recommendation would need to be collectively bargained and/or the standards should be informed by properly weighted input from the affected parties, the App-based transport workers themselves.

Without an “employer” or “employees” there would be no counterparties to implement the Recommendations at paragraph 69. Extending terms and conditions found in work presumed to be employment-based under domestic laws onto App-managed work would be counterproductive to standard-setting objectives. This is especially problematic considering the MNPEs predisposition for interpretive disputes and the wide range of flexibility sought by the Employers’ group and ILO Member states.

- *Recommendation 58*. MNPE reprisals, retaliation, suspension and deactivation are consistently raised as the most important issue by App-based workers. App-based transport workers fear MNPE discipline by algorithm and often consider it a form of reprisal. Preventing such retaliatory conduct by the MNPE is more appropriate for the Convention.
- *Recommendation 53* on remuneration and working time excludes costs necessary to carry out work. These are the most significant barriers to decent work and should be included and moved from the Recommendation to the Convention.



## 2 International policy challenges

### 2.1 Flexibility prevents international policy coherence

ILO Members take divergent approaches in determining employment relationships and implementing FPRW, social dialogue, representation and social protection. How a country defines the employment relationship and the level where collective bargaining predominantly takes place are the leading indicators for whether App-based transport workers can access social dialogue and social protection.

The ILO does not specify, but the data indicate how definitions could be used to limit social dialogue. For example, in Belgium only if a worker is defined as an employee do they attain the right to dialogue and representation. The law is seen by some in the legal community as wide open to interpretation and straying from EU Directive terminology.<sup>19</sup> In the next section of the report we will discuss examples where MNPEs use the definitional ambiguity to deny App-managed workers these rights.

### 2.2 EU standards incompatibility with rest of the world practices

The ILO reports expose policy divisions within its membership. Most countries outside the EU in the ILO summary (66%) did not address the employment classification but offered alternative terminology and approaches that seem more aligned with App-based transport workers' experiences. Reconciling these two very different legislative approaches taken by the EU and the rest of the world presents an enormous challenge for ILO policy coherence in this area of work.

The ILO's *Decent Work in the Platform Economy* reports on the approaches by 18 national jurisdictions. Five national jurisdictions cover social dialogue or representation, of which 3 are EU members. Eight out of 18 national jurisdictions cover the employment relationship classification. The countries covering the employment relationship come from the EU and Chile. (Figure 4)

The ILO cites examples of terminology used in select legislative instruments. China uses terminology "Workers employed in new forms." India explicitly situates "platform work" as "outside the traditional employer-employee relationship." Chile specifically addresses the platform enterprise, which is an essential component to effective private sector implementation.

All other listed jurisdictions use imprecise terminology directed towards the platform but not the MNPE, making the laws susceptible to conflicting interpretations about App-managed work based on whether the jurisdiction treats the work as employment or self-employment.<sup>20</sup>

Figure 4: Summary of national legal approaches

Region	Jurisdiction	Employment relationship	Social dialogue or Representation
EU			
	Belgium	X	
	Croatia	X	
	France	X	X

	Greece	X	X
	Italy	X	X
	Malta	X	
	Portugal	X	
	Spain	X	
<i>South America</i>			
	Chile	X	X
	Brazil		X
<i>Asia</i>			
	China <sup>1</sup>	X	
	India <sup>1</sup>	X	
	Indonesia <sup>1</sup>		
	Kazakhstan	X	
	Korea		
<i>Africa</i>			
	Egypt <sup>1</sup>		
	Kenya <sup>1</sup>		
	Tanzania		
<i>North America</i> <sup>2</sup>			
	Canada <sup>1</sup>		
	United States <sup>1</sup>	X	

<sup>1</sup> Top 15 Countries with 80% of global platform work.

<sup>2</sup> United States and Canadian legislation is limited to contested sub-national jurisdictions.

## 2.3 Firm-level bargaining limits implementation of any standard

The ILO and OECD have explored the association between collective bargaining coverage and the predominant level of bargaining in national law and practice. In 2017, the ILO inclusive labour markets branch published a briefing about the differences for 75 countries.<sup>21</sup> In 2019 the OECD published a report on the collective bargaining coverage in relation to the predominant level of bargaining (firm/enterprise level, sectoral level, or national level).<sup>22</sup> Both reports show the national bargaining to be the most inclusive while enterprise/firm level bargaining systems result in the lowest collective bargaining coverage.

Predominantly national and sectoral bargaining systems found in Europe may be able to incorporate traditional worker classifications into sectoral or national bargaining systems, often accompanied by national and/or European works councils. These structures offer the only support for App-based transport workers and MNPEs to implement ILO standards as they are being designed in the draft Convention and Recommendation. Otherwise, bargaining units would be difficult, if not impossible to construct and securing majority representation would be overwhelming.

Unfortunately national and sectoral bargaining systems are scarcely observed beyond 16 mainly Western EU members and Nordic countries.<sup>23</sup> In 80% of the industry, firm-level bargaining systems present systemic barriers to ILO standards, present and contemplated. Figure 4 demonstrates firm level bargaining is the standard for all 15 top platform markets.

According to the 2017 ILO briefing, “Wherever multi-employer bargaining breaks down and is replaced by single-employer bargaining, the coverage rate decreases dramatically, as fewer enterprises choose to recognize trade unions and negotiate collective agreements.”<sup>24</sup>

In the context of firm-level bargaining systems, App-based transport workers carry a heavy burden and encounter obstacles at every step: (i) defining the employer, (ii) establishing a bargaining unit, (iii) establishing sufficient support in that unit to authorise a trade union for representation. Once those tasks are accomplished, (iv) the workers would need the “employer” to bargain in good faith. Unfortunately, all attempts to implement such a process outside of Europe have concluded with (v) legal challenges brought by highly capitalised MNPEs.

Under current laws, App-based workers will not have access to ILO standards unless the MNPE is defined as the employer, the government amends labour law, or enacts new laws that specifically allow App-based workers to organise under a different format.

Figure 5. Level where collective agreements are formed at top 15 Countries

Level	Country	Parties to an agreement
National	none	
Sectoral	Russia	Representatives of the employers and employees at federal, regional, industry and territorial levels.
Enterprise	China	
	Kenya	One or more employers or their association and a trade union
	Sri Lanka	Employers or associations and workmen or employers (?)
	Indonesia	One or more entrepreneur or their association and one or more trade unions
	India	Employer and workman, settlement approved by the government
	Bangladesh	Employer and worker
	Serbia	Employer and employee
	United States	Employer and employee, excluding farm work, domestic work, and independent contractors
	United Kingdom	One or more employers or their associations and one or more trade unions
	Philippines	Employer and legitimate labor union
	Ukraine	One or more employer or their associations and a trade union
	Canada*	Employer and bargaining agent
	Egypt*	One or more employers, one representative organisation of workers
	Pakistan*	Employers
Other	China	

Source: ILO IRLEX except \*Canada, Egypt and Pakistan are not catalogued in the ILO IRLEX database.

## 2.4 Corporate governance issues

### 2.4.1 Ordinary business

Corporate governance laws treat MNPEs as ordinary businesses. There are no equivalent distinctions (as there are for workers) that would treat MNPEs as informal or platform businesses the way the ILO and legislation distinguishes a worker from a “digital platform worker.” App-based workers are aware of the platform economy paradox.

*I don't understand one thing. What is so new and special about this "platform industry" that they keep calling it? We drivers belong to the transport industry, which is not new. Just because there is an app now, doesn't change the actual work. So we feel that we should be treated as regular workers irrespective of platforms, and the companies should be treated as companies and not aggregators, as they are deciding all our terms and work arrangements.*  
- Uber driver, India <sup>25</sup>

The main corporate form used by the largest transportation MNPEs is a corporation. They can be publicly listed or privately held. Each of the transportation and delivery MNPEs described in this report operates as a company group with subsidiary operating units. Total market capitalisation represented by these MNPEs exceeded \$400 billion (US) at the end of April 2025.

The ordinary nature of MNPE businesses seems to be overlooked in the conversation about App-managed work relationships.

*...everybody is avoiding the question of who the employer is. You cannot say who is an employee and what kind of an employee one is till you identify who the employer is. We have not been able to identify Uber, Indrive, or Bolt—as the employer because we have not even acknowledged that they are transportation companies yet. All our governments keep treating them as some kind of special technology platform, which they are not. It is obvious, they are ordinary corporations relying on our productivity. It is obvious to us workers. But nobody else seems to notice.*  
- App-based worker on multiple apps in South Africa.<sup>26</sup>

## 2.4.2 Outsourced financial obligations

MNPE financial statements are unique in the way ordinary expenses and liabilities are shifted from the company to millions of workers or independent contractors, depending on the jurisdiction. Two App-managed transport workers in Nepal and India summarised their account of vehicle, maintenance, subscription fees, and equipment costs.

*Companies take a significant portion of our incomes. For instance, if I earn 2,500 Nepali rupees, the company takes away 650 rupees or more. We spend 600 rupees on fuel, 350 for meals while on duty, 100 on phone data, and around 200 on vehicle related expenses such as EMIs and maintenance. Once I deduct all my expenses I am left with around 600 rupees, which is less than what the company deducts. Just think about it, the company does nothing but take 650 or more and I work for more than 12 hours but only make around 600 rupees.*  
- Patheo driver from Nepal<sup>27</sup>

What would normally appear on a company's balance sheet as liabilities are outsourced to App-based transport workers, including costs related to vehicles, digital equipment, depreciation, amortisation, taxation, billing, currency exchange rate fluctuations, credit card fees, maintenance, training, business licensing and registrations, compliance, employment insurance, social contributions, and general accounting.

The MNPE reporting demonstrates an acute awareness that assuming any number of these as ordinary business expenditures would have a material effect on their statements of cash flows, balance sheets, and market valuation. The worker estimates in Figure 1 along with the USA reporting 62% of platform workers are transportation sector suggests at least 5 million transport

workers in the USA. The costs of providing or managing the assets necessary to perform App-based work are astronomical.

The ILO draft convention at 3(d), 23, and Recommendation 53 excludes expenses and other costs from the definition of remuneration. This is not consistent with how ordinary businesses are treated. Income tax, for example, allows companies to deduct payments or subsidies to employees for the use of vehicles. Shareholders assess share value based on calculations using earnings before depreciation expenses. The ILO should be attentive to payments and expenses that are necessary for App-based work, create barriers, and significantly affect income.

### 2.4.3 Tax implications

Shifting liabilities from the MNPE to the individual App-based workers comes with income and corporate tax considerations wherever workers are treated as independent contractors. The ILO has not fully taken this on board in the draft convention and recommendation.

India corporate deductions for determining taxable income include expenses for the purpose of the business, depreciable assets up to 40%, starting up the business expenses up to 20% for 5 years, interest paid on capital borrowed for the business, up to 30%, expenditures on CSR activities towards a charitable institution, net operating losses can be carried into subsequent years, as well as payments to foreign affiliates.<sup>28</sup>

Drivers are not given the tools or information to account for expenses as independent business owners or to reduce income using eligible deductions commonly used by MNPEs. On the contrary, drivers face murky fees.

*Companies claim to deduct around 20% commission from each ride, but the actual deduction is often much higher. Additionally, it has been noted that a convenience fee is charged simply for using the app. On top of that, we drivers pay a 5% GST without any clarity on where that money goes, as there is no GST number or documentation to verify that it is being passed on to the government. Furthermore, once a driver surpasses a yearly income of ₹4 lakhs, ₹5,000 is automatically deducted from our Uber wallet as TDS (Tax Deducted at Source). Given all the expenses we incur—such as car maintenance and fuel costs, the TDS deduction feels unjust. It's like paying the taxes twice. - Uber driver from Delhi<sup>29</sup>*

App-managed transport industry workers assume all these expenses and related liabilities. These higher barriers to entry are often overlooked in the debate over employed, self-employed, and independent contractor classifications.

### 2.4.4 Links between employment definitions and competition law

In the ILO “yellow paper” it recorded responses from the Employers’ group about potential interference in commercial contracts if App-based workers were granted employment rights. (see Employer’s aligned responses to Q.21 and Q.69) The Aligned Employers’ responses to ILO Questionnaire 69 “Furthermore, there should not be State interference on the administration of private sector contracts.”<sup>30</sup> The Employer’s position takes advantage of ILO R. 198, which states “National policy for protection of workers in an employment relationship should not interfere with true civil and commercial relationships.”

But competition law cuts both ways in classifying App-based workers. If app-based workers are all classified as independent businesses, what does it mean for competition when one

international body must oversee 154 million such contractual relationships with the MNPEs? The ILO acting alone faces challenges in addressing such complex legal and economic issues without collaboration from other international and multilateral institutions.

Despite being classified as independent contractors for MNPEs, App-based workers forgo the control over their jobs that true independent contractors typically retain. For instance, they cannot set their own prices. If a customer complains and receives a lower fare, Uber, for example, may still decide to take its service fee based on the original price. This demonstrates how the MNPE retains control over key aspects of the transaction.<sup>31</sup>

If App-based workers are truly independent contractors as the MNPEs would prefer, they are being prevented from independent business relationships with clients or passengers using an MNPE's app, which essentially fails to reward – or actively punishes – ingenuity, initiative, and other service qualities that the independent contractor framework claims to promote.

## 2.5 Other international implementation frameworks

### 2.5.1 OECD Guidelines

No matter what form of instrument is adopted by the ILO, effective implementation will require complementary frameworks for the private sector. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (“the Guidelines”) already have expectations related to employment and industrial relations with the ILO Declaration for Multinational Enterprises, making the OECD Guidelines a suitable framework for implementing FPRW for App-based workers.

Fifty-two ILO members adopted a framework that would appropriately cover MNPEs through the 2023 updates to the Guidelines.<sup>32</sup> The most significant update for App-based work is the expectation for all multinational enterprises (with no exclusion for MNPEs) to respect ILO Conventions 87 and 98 directly or through their business relationships. The update also creates obligations related to occupational health and safety, meaningful social dialogue, remediation, human rights, environmental stewardship, and technology deployment and management. The Guidelines also include warnings against enterprises using undue influence to seek exceptions to domestic laws and regulations.

The Guidelines expect any multinational enterprise to implement ILO C.87 and C98 regardless of the existence of a recognised employment relationship. This amendment to remove the condition of employment was specifically designed to ensure the Guidelines and ILO Declaration could be applied to the most prominent MNPEs in transport, as Uber, Lyft, Uber Eats, Just Eat, and Bolt.

The Guidelines are accompanied by an obligation for adherent countries to have a National Contact Point to promote the Guidelines and remediate issues with multinational business conduct. The National Contact Point of the Netherlands just concluded its first case dealing with issues at Uber, as discussed below.

### 2.5.2 Recommendations to Uber by the National Contact Point for the Netherlands<sup>33</sup>

In 2021, IAATW and affiliated unions representing workers in Costa Rica, Panama, Uruguay, United Kingdom, Nigeria, South Africa and India initiated an OECD complaint against Uber

Technologies, Inc under the OECD Guidelines for Multinational Enterprises. The complaint alleged with respect to driver health and safety, earnings, working hours, and deactivation. The National Contact Point for the OECD (“NCP”) for the Netherlands, accepted the issues for further examination and offered mediation to the parties.

The process failed to produce a mediation when Uber disputed its obligations and sought to introduce its “partnerships” with unrelated trade unions as an avenue to resolve issues raised by IAATW and the workers it represented. In the absence of good-faith participation by Uber, the NCP had no choice but to conclude the case with a final statement on 21 May 2025, noting the potential relevance of its recommendations to the “ILO discussion on standard-setting regarding platform work.”

Regarding the challenge of how to apply the OECD standards, which include the FPRW of the ILO Declaration on Multinational Enterprises, the NCP noted, “it is important to know if and how the Guidelines apply to the platform economy and platform work.” The modern Guidelines updated in 2023 opened coverage to all workers, without regard to employment classifications precisely to address MNPE obligations for App-based working arrangements.

The NCP stated affirmed that “enterprises having a contractual relationship with those working for them, like Uber with its drivers, are expected to conduct due diligence regarding the issues covered by the Guidelines.” The ILO Declaration on Multinational Enterprises is incorporated into the Guidelines, especially through the Chapter dealing with “Employment and Industrial Relations.”

The NCP highlighted the central problem that “existing regulation has mainly been developed with older business and employment models in mind.” Box 5 contains a summary of recommendations by the Netherlands NCP.

The NCP specifically recommended applying all six steps of due diligence, including the sixth step for “remediation” as “relevant for the issue of account deactivation.”

Regarding Uber’s reliance on deals with trade unions that were not parties to the NCP case, the Netherlands NCP stressed “the importance of engagement with drivers and their representatives in all countries where Uber operates.”

The NCP will follow up with Uber, the IAATW and its affiliated unions who were parties in the case in May 2026 to evaluate implementation of its recommendations. The second discussion is anticipated to take place at the 114<sup>th</sup> ILC in June 2026.

**Box 5. Summary of recommendations by the Netherlands NCP to Uber**

*The Netherlands NCP recommends that Uber:*

- “take steps to progressively achieve a living wage or equivalent for all Uber drivers and reporting regularly on steps taken and progress made.”*
- “Engages in constructive negotiations with workers organisations or other representatives of its drivers, with a view to reaching agreements on terms and conditions of work.”*
- Act in accordance with all six steps in the due diligence recommendations of the OECD Guidelines, “regardless of the precise legal status of [the worker] relationship.”*



- *Ensure meaningful stakeholder engagement with “a broad range of stakeholders” that includes “independent unions at all relevant levels.”*
- *Not use other stakeholders “to undermine the role of trade unions in labour-related disputes or prevent access to judicial or non-judicial grievance mechanisms.”*
- *“Should communicate clearly what it expects from workers in terms of behaviour, what are the reasons for deactivation, and other rules for staying on the Platform.”*
- *“Uber’s policies on deactivation and blocking should be transparent for drivers, and drivers should have access to a legitimate grievance mechanism where they can appeal against the deactivation decision.”*
- *“Further develop and improve its engagement with a broad range of stakeholders, including proper two-way communication and engagement. This broad range of stakeholders should include independent unions at all relevant levels (local, national, regional and international) as well as workers and their representatives on the ground, to ensure meaningful stakeholder engagement.”*

### 2.5.3 G20/OECD Principles of Corporate Governance<sup>34</sup>

Forty-four ILO Members endorsed new standards for corporate governance in 2023. (“The Principles”) This group of countries included India, China, Indonesia and Russia, which are among the top 15 countries for platform work. These four ILO members are also members of the G20.

The Principles direct all countries that adhere to them to support regulatory frameworks that respect meaningful engagement with the workforce as part of the framework for good corporate governance. National corporate regulations should lead to boards of directors “taking into account the interests of stakeholders” which includes workers. The Principles support corporate governance frameworks that “allow for dialogue between a company, its shareholders and stakeholders,” (VI.B) account for the “rights roles and interests of stakeholders and encourage active cooperation between companies, shareholders and stakeholders in creating value, quality jobs, and sustainable and resilient companies.” (VI.D)

The Principles also support stakeholders having the opportunity “to obtain effective redress for violation of their rights at a reasonable cost and without excessive delay.” (VI.D.2) The commentary about this principle references the OECD Guidelines and the availability of redress at one of the 52 National Contact Points for the OECD.

## 3 Government approaches

### 3.1 India

Collective bargaining in the private sector predominantly takes place at the firm-level and trade union density in the formal sector is 19.8 percent.<sup>35</sup> India supports a recommendation, not a convention. India, the largest host of App-based work among ILO Member states, has a labour law framework that mostly depends on the existence of an employment relationship. (Box 6)

**Box 6. India Minimum Wages Act, 1948**



*Employer is defined as “any person who employs . . . one or more employees.” Employee is not defined.*

The “Motor Transport Workers Act, 1961,” regulates conditions of motor transport workers. In 2020, India adopted “Motor Vehicle Aggregator Guidelines” directed at every “digital intermediary or marketplace for a passenger to connect with a driver for the purpose of transportation.” The guidelines do not define the App-based transport worker. The focus of the guidelines is on the enterprises as “aggregators” of passenger transportation services and does not deal with the work or workers.

A bill in the Southern Indian state of Karnataka introduced a payment tracking system to keep track of daily earnings by App-based workers. The system enables regulators to capture the data from multiple apps and allocate responsibility for worker welfare among platforms through a percentage-based tax on every transaction.

A participant attending the IAATW workshop in August 2024 analyzed the Karnataka bill. The participant proposed using the existing tracking system to calculate drivers’ daily earnings, which is a perfect example of how to capture the data from multiple apps, and how to allocate welfare responsibility among platforms.

### 3.2 United States

The US being home of the largest MNPE, Uber, is significantly influential. The ILO reports list subnational legislation that has sought to create protections for App-based workers, but this has, without exception, been contested in state and federal courts.

However, the true problem lies at the core of national law given the understanding that ILO conventions will not be ratified if they would require a change to any domestic law. Since 1988, there has been an agreement between the social partners not to seek ratification of ILO conventions in such cases.<sup>36</sup> Ratification of any convention for App-based work would be especially problematic in the United States. In 1948, the United States adopted the Taft-Hartley amendment to the National Labour Relations Act, (“NLRA”) that prohibits independent contractors from organising unions.

A report appearing in the American Bar Association (“ABA”) journal in 2023 described precisely the arduous path with respect to the right to organize and bargain collectively:

*“To the extent there can be unions for independent contractors, then, either the particular group of independent contractors must either be re-classified as employees by the National Labor Relations Board, or they must fall within an exceptional case under the NLRA or have rights outside the NLRA.”<sup>37</sup>*

In California, Uber and Lyft prevailed in a public referendum in 2020 that affirmed their position that drivers and riders are independent contractors ineligible for trade union representation and collective bargaining.

Efforts to apply broader ILO conventions and recommendations to putatively self-employed workers face an uphill legal and political battle across the United States. Again, the ABA journal report covers the issue, “if all drivers on a platform join together and seek to compel the platform operator to raise its rates and increase their pay, they have impeded the operation of the competitive marketplace for their services.”<sup>38</sup>

**Box 7. The Pro Act amendment to the National Labor Relations Act of the United States. (Approved by the House of Representatives but not enacted into law.)**

*The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act [this subchapter] explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but **shall not include** any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, **or any individual having the status of an independent contractor**, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act [45 U.S.C. § 151 et seq.], as amended from time to time, or by any other person who is not an employer as herein defined.*

*"An individual performing any service shall be considered an employee (except as provided in the previous sentence) and not an independent contractor, unless—*

*"(A) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of service and in fact;*

*"(B) the service is performed outside the usual course of the business of the employer; and*

*"(C) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed.*

In 2021 the United States House of Representatives voted in favour of amendments to the NLRA, but the bill never progressed further. Many believed the Pro-Act would achieve the goal of extending freedom of association and collective bargaining rights to App-based workers. However, Box 7 shows the text agreed in the House of Representatives would have maintained the exclusion and forced App-based workers into classification disputes.

### 3.3 South Africa

In South Africa, neither the Labour Rights Act nor the Basic Conditions of Employment Act cover App-based transport workers for two basic reasons. First, both laws explicitly exclude independent contractors from scope. Second, neither law defines the term employer. A third practical barrier was created by amendments developed by a tripartite commission, including a new requirement for trade unions to re-establish bargaining unit representational majorities every three years.<sup>39</sup>

**Box 8. Definitions in the South Africa Labour Relations Act No 66 of 1995**

*Employer is not defined.*

*Employee means any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any person who in any manner assists in carrying on or conducting the business of an employer.*

*Remuneration means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State.*

*Workplace (not public service) means the place or places where the employees of an employer work. If an employer carries on or conducts two or more operations that are independent of one another by reason of their size, function or organization, the place or places where employees work in connection with each independent operation, constitute the workplace for that operation.*

*Amendments to the LRA were proposed by a tripartite committee in November 2024. Definitions are proposed in a separate Schedule 11 to extend freedom of association, organizational rights, and collective bargaining, only for the purpose of schedule 11. Independent contractors remain excluded. Employer is defined to mean any person or entity for whom an employee works.*

Between 2022 and 2024 a committee consisting of unions, government and business developed amendments to the laws, including what was intended to be an expansion of the Labour Rights Act definition of “employee.” The committee initially considered proposals to amend the definition of employee to include workers involved in non-standard work who currently fall outside of labour law protection. The parties ultimately agreed the issues were too complex and warranted a separate approach at a later date. The final amendments in the laws are forthcoming, but unless the employer is defined to clearly identify platform companies, representation and bargaining are certain to remain contested in South Africa.

In the Labour Relations Act, there is a “presumption of employment”, but the law’s definitions are silent on “employer.” A tacit presumption of an employer-employee relationship would not suffice here. The independent contractor exclusion means the seven tests for determining who is an employee (200A) is not easily applied to App-based transport work.

### 3.4 European Union Directive 2024/2831

In many EU member countries, collective bargaining in the private sector predominantly takes place at national and sectoral levels.

The EU Platform Work directive has yet to be transposed by its members but “applies to digital labour platforms organising platform work performed in the Union, irrespective of their place of establishment or of the law otherwise applicable.”

The Directive leaves implementation open to interpretations and legal disputes between third country MNPEs and unorganised drivers and delivery workers who are dependent on the MNPE’s digital services for income. The inherent power imbalance is obvious. Such a flexible approach and likelihood of legal disputes would not favour a worker having access to FPRW.

The Directive Article 2 defines the digital platform as a “natural or legal person providing a service” meeting all four of these conditions:

***Box 9. EU Directive, Article 2 conditions for the definition of “digital platform”***

*It is provided, at least in part, at a distance by electronic means, such as by means of a website or mobile application;*

*It is provided at the request of a recipient of the service;*

*It involves, as a necessary and essential component, the organisation of work performed by individuals in return for payment, irrespective of whether that work is performed online or in a certain location; and*

*It involves the use of automated monitoring systems or automated decision-making systems.*

There are several ways for MNPEs to sidestep this definition. First, MNPEs do not describe themselves as labour platforms and they consistently argue they organise transactions but not work. Uber and other enterprises simply do not see themselves as platforms in a platform economy. Rather, they describe themselves as tech enterprises selling proprietary digital technology for use by a wide range of stakeholders and transactions.

Second, the EU Platform Work Directive never defines the term “service,” even though platform companies often use it to describe the “service fees” paid to independent contractors. These payments may not align with the concept of wages or remuneration as envisioned in the EU labour directive. This ambiguity leaves room for conflicting interpretations during implementation.

The Directive (Article 2.1d) also conditions “platform worker” on the employment contract or employment relationship as defined by law, collective agreements or practice in force. No such employment contract exists except in rare circumstances and efforts to enter a collective agreement with any binding force have been opposed.

The EU Directive includes a legal presumption (Article 5) of the existence of an employment relationship based on five measures regarding direction and control. MNPEs are unlikely to meet three out of the five criteria for determining an employment relationship. Only one of the five criteria is observed by workers, the “platform requires a worker to follow rules.” The rest of the criteria is not being observed.

### **Would Uber, DoorDash, and Delivery Hero be or be treated as a Digital Labour Platform?**

#### **Box 10. EU Directive, Digital Labour Platform Exclusions:**

*Online platforms which do not organise the work performed by individuals, but merely provide the means by which service providers can reach the end-user, without any further involvement of the platform, for instance by advertising offers or requests for services or aggregating and displaying available service providers in a specific area, should not be considered to be digital labour platforms. The definition of digital labour platforms should not include providers of a service whose primary purpose is to exploit or share assets, such as short-term rental of accommodation, or by means of which individuals who are not professionals can resell goods, nor those who organise the activities of volunteers. The definition should be limited to providers of a service for which the organisation of work performed by the individual, such as transport of persons or goods or cleaning, constitutes a necessary and essential component, and not merely a minor and purely ancillary component.*

The EU Directive contains what could be a sizable loophole to transport work coverage, based on the exclusions in Box 10.

The directive distinguishes “online platforms” from “digital labour platforms” based on the organisation of work. Digital labour platforms “organise work” but MNPEs routinely argue independent contractors organise their own work, asserting that they merely advertise requests for services (i.e. from passengers), and aggregate and display available service providers (i.e. drivers on the app).

Finally, the legal infrastructure in the EU means transposition of the Directive will hinge on national employment laws, court decisions, and legal proceedings already in progress by member countries, including France, the Netherlands and Spain to determine. The OECD reported 9 EU

members with firm-level collective bargaining while the rest have sectoral or national bargaining systems.<sup>40</sup> In countries with firm-level bargaining, MNPEs will continue to find fertile ground for self-employment and independent contractor arguments.

App-based transport workers in the top 15 countries with platform work worry about undue influence the EU Directive is having on ILO global standard setting. Terminology (“digital labour platforms”) and provisions in the EU Directive (“remuneration”, “organisation of work”, “employee vs. self-employee coverage”) should not be absorbed into the wider ILO draft Convention and Recommendation. IAATW actions at the National Contact Point discussed in section 5.3 of this report illustrates the problem with applying a social partnership approach outside of Europe.

## 4 MNPE Practices

MNPEs are presumed to be members of the Employers’ group despite their persistent arguments that they are not employers. The information disclosed by MNPEs reveals a common preference for App-based transport workers to be treated as independent contractors, flexible government regulation and liabilities passed onto App-based transport workers.

The largest MNPEs are company groups that are often traded on international stock exchanges. Their combined market capitalisation is around \$400 billion, with Uber, Meituan, and Door Dash comprising 85% of the market.

Table 1 MNPE Market Capitalisation

Uber	\$159 billion
Meituan	\$101 billion
Door dash	\$78.9 billion
Zomato	\$21 billion
Grab	\$18 billion
Delivery Hero	\$8 billion
Lyft	\$5 billion
Just Eat Takeaway	\$4.5 billion
Deliveroo	\$3.3 billion
Bolt	privately held

### 4.1 Uber Technologies, Inc. (“Uber”)<sup>41</sup>

Uber does not see itself as a digital labour platform, and labour is not listed among its services. Instead Uber describes itself as a technology platform with a variety of offerings. (Box 12)

#### **Box 12. Uber’s business description**

*... a technology platform that uses a massive network, leading technology, operational excellence and product expertise to power movement from point A to point B. We develop and operate proprietary technology applications supporting a variety of offerings on our platform (“platform(s)” or “Platform(s)”). We connect consumers (“Rider(s)”) with independent providers of ride services (“Mobility Driver(s)”) for ridesharing services, and connect Riders and other consumers (“Eater(s)”) with restaurants, grocers and other stores (collectively, “Merchants”) with delivery service providers (“Couriers”) for meal preparation, grocery and other delivery services. Riders and Eaters are collectively referred to as “end-user(s)” or “consumer(s).” Mobility Drivers and Couriers are collectively referred to as “Driver(s).” We also connect consumers with public transportation networks. We use this same network, technology, operational excellence and product expertise to connect shippers (“Shipper(s)”).*

*with carriers ("Carrier(s)") in the freight industry by providing Carriers with the ability to book a shipment, transportation management and other logistics services. Uber is also developing technologies designed to provide new solutions to solve everyday problems. (p. 4)*

Uber reported worker reclassification as a material risk for shareholders that could "fundamentally change [Uber's] business model, and consequently have an adverse effect on [Uber's] business, results of operations, financial position and cash flows. . . If a significant number of Drivers were to become unionized and collective bargaining agreement terms were to deviate significantly from our business model, our business, financial condition, operating results and cash flows could be materially adversely affected."<sup>42</sup> (Box 13)

Uber recognises that reclassification, collective bargaining, trade union representation, and potential labour conflicts would adversely affect expenses, operating income, and cash flows, with consequences for shareholders, workers, and customers.

Uber reports litigation in Switzerland, the United States and Brazil related to the subject of Driver classification, social security and unemployment insurance. (pages 121-124)

Uber and its subsidiaries report having "approximately 31,000 employees globally and operations in over 70 countries and more than 15,000 cities around the world." (page 7) Uber has one "Chief People Officer" but does not report a ratio of management to employees. However, it would be reasonable to assume the ratio is sufficient for the reported workforce but inadequate to manage millions of drivers reclassified as employees. Drivers in Sri Lanka and India confirm unclear lines of communication or difficulty accessing officers about issues with MNPE products and services.

*The biggest problem with companies like Uber is that, for example, if my ID is blocked, I cannot call customer care. My call goes to Uber Moto, not Uber Cab Service. So, I raised an issue with them on chat about an old ride. I chatted with those people, and their IVR (Interactive Voice Response) system on the chat-bot, which is a robot, kept sending me messages telling me they couldn't do anything about this as my ID was blocked for 28 days for which there is no solution.*  
- Uber driver from Bangalore <sup>43</sup>

**Box 13. Uber reported risks associated with reclassification. (emphasis added)**

*If, as a result of legislation or judicial decisions, we are required to classify Drivers as employees, workers or quasi-employees where those statuses exist, we would incur significant additional expenses for compensating Drivers, including expenses associated with the application of wage and hour laws (including minimum wage, overtime, and meal and rest period requirements), employee benefits, social security contributions, taxes (direct and indirect), and potential penalties. (Page 11 and 49)*

*. . . In this case, we anticipate **significant price increases for Riders** to offset these additional costs; however, we believe that the financial impact to Uber would be moderated by the likelihood of other industry participants being similarly affected. Additionally, we may not have adequate Driver supply as Drivers may opt out of our platform given the loss of flexibility under an employment model, and we may not be able to hire a majority of the Drivers*



currently using our platform. Further, any such **reclassification would require us to fundamentally change our business model**, and consequently **have an adverse effect on our business, results of operations, financial position and cash flows.** (page 11)

... In addition, reclassification of Drivers as employees, workers or quasi-employees where those statuses exist, have and could lead to groups of Drivers becoming represented by labor unions and similar organizations. For example, in May 2021, we formally recognized a UK driver union. . . If a significant number of Drivers were to become unionized and collective bargaining agreement terms were to deviate significantly from our business model, our business, financial condition, operating results and cash flows could be materially adversely affected. In addition, a labor dispute involving Drivers may harm our reputation, disrupt our operations and reduce our net revenues, and the resolution of labor disputes may increase our costs. (page 12)

... Conducting our business internationally, particularly in countries in which we have limited experience, subjects us to risks that we do not face to the same degree in the United States. These risks include, among others; . . . difficulties in managing, growing and staffing international operations, including in countries in which foreign employees may become part of labor unions, employee representative bodies, or collective bargaining agreements, and challenges relating to work stoppages or slowdowns. (page 19)

Uber reported its management lost control of data affecting “approximately 57 million Drivers and consumers worldwide” in October and November of 2016. Uber reported it revealed the “names, email addresses, mobile phone numbers, and drivers’ license numbers of approximately 600,000 Drivers, among other information.”<sup>44</sup>

Uber derives revenue (Box 14) from “service fees paid by Drivers and Merchants,”<sup>45</sup> and sees its “sole performance obligation” as connecting drivers and merchants with customers.

**Box 14. Uber Revenue Recognition (emphasis added)**

We derive our revenue from **service fees paid by Drivers and Merchants** for the use of our platform in connection with our Mobility products and **Delivery offering provided by Drivers and Merchants to end-users.** Our sole performance obligation in the transaction is to connect Drivers and Merchants with end-users to facilitate the completion of a successful ridesharing trip or delivery. In certain markets, we also generate revenue from end-users and charge a direct fee for use of the platform or in exchange for Mobility or Delivery services.

## 4.2 DoorDash, Inc.

DoorDash is a publicly traded company based in the United States, with market capitalisation estimated at \$78.9 billion. Door Dash describes itself to investors as a “technology company that connects consumers with their favorite local businesses in more than 25 countries across the globe.” Workers are not considered to be one of its three key constituents. Instead, Door Dash made up new terms for workers, “Doordash dashers,” “Dashers,” and “Wolt courier partners.”<sup>46</sup> The company reported 8 million Dashers in 2024 who earned a total of “over \$18 billion,” which would equate to around \$2,250 annual income per worker.

Doordash identifies the material financial risk of “Dashers” and “Wolt courier partners” being classified in any jurisdiction as an employee. Doordash associates the employment-based model with increased costs that could prevent operating in some jurisdictions. (Box 15)

**Box 15: Doordash 10-K “Risks related to our legal and regulatory Environment”**

*In certain jurisdictions where there are uncertainties associated with the interpretation of applicable law, or for other reasons, we may decide to adopt employment-based models, as Wolt already does, for example, in Germany, which could result in certain operational challenges and increased costs and cause us to withdraw from certain jurisdictions or decide not to expand our business in or into a certain jurisdiction, which could limit our growth and expansion opportunities.*

### 4.3 Delivery Hero

Delivery Hero is a German company group listed on the Frankfurt Stock Exchange with operations in 70 countries. It operates under several brands, including Foodora, Glovo, Food panda, Pedidos ya, and Yemeksepeti. It reports 3 million drivers across 70 countries. Delivery Hero only has agreements covering European employees that it does not extend outside of the EU and EFTA.<sup>47</sup>

Delivery Hero reports three classifications of riders: those employed by subsidiaries of the company, those employed through agencies, and a majority of riders (over 1.5 million) who are freelancers, not employees. The MNPE management “ideally” operates a “Fair Wage Initiative.” Considering the absence of collective bargaining by Delivery Hero brands outside of Europe, this initiative would most likely be management driven.

The ILO reports collective bargaining covering “platform and gig economy workers at Foodora.”<sup>48</sup> This is unlikely to cover delivery riders that Delivery Hero does not treat as employees. Delivery Hero annual reports indicate a clear distinction between employees and riders and Works Council agreements (EU and Germany) that covers direct employees of the company, not riders.<sup>49</sup> Delivery Hero has an EU Works Council for “all employees of Delivery Hero SE Group in the European Union/EFTA.” In Germany, Delivery Hero reports a local “works council located in Berlin represent[ing] the interests of the employees at the headquarters of Delivery Hero.”<sup>50</sup>

In 2022, the Spanish government fined Delivery Hero €79 million for alleged rider misclassification.<sup>51</sup> In December 2024, it was reported that Glovo would hire 15,000 riders in Spain as full-time employees in order to mitigate ongoing legal risks and regulatory penalties.<sup>52</sup> Delivery Hero warned investors of the potential €100 million hit to earnings, causing shares to fall 9.7%.<sup>53</sup> Delivery Hero reported -€542.4 million earnings before income taxes in 2024.<sup>54</sup>

In 2025, Delivery Hero raised its legal risk capital to cover a first decision by the Italian courts that reclassified Glovo riders. Delivery Hero identified more than €200 million in potential liabilities dating back to 2016.<sup>55</sup>

### 4.4 Bolt

Bolt uniquely describes itself as an app. It has a supplier code of conduct that includes expectations to “support a number of international declarations, conventions, and guidelines” that include the ILO fundamental conventions and the OECD Guidelines for Multinational Enterprises. Suppliers are expected to “always provide its employees with a living wage sufficient to meet the basic needs of employees and to provide some discretionary income, and when applicable, a salary shall be based on criteria set by collective bargaining agreements.”<sup>56</sup>



Unlike some of its competitors, Bolt offers franchising opportunities to local operators. Bolt considers itself the “leading European transportation platform” with “4.5 million+ drivers, 200 million+ customers, and 50 countries.”<sup>57</sup>

Bolt assists prospective drivers by connecting them with one of the Bolt fleet partners to offer a vehicle for use on the App. In the UK, Bolt Services UK Ltd manages the licensing and several markets to “act as a Hire Car Operator.”<sup>58</sup>

## 4.5 Lyft, Inc. (“Lyft”)

Lyft, Inc. operates in the United States, Canada, Mexico, Ukraine, Germany and Belarus. Like Uber, Inc., Lyft predicates its business model on defining workers as “independent contractors” in the United States and would likely seek to apply that to other jurisdictions if it expands internationally. Lyft reports driver classification as a risk that would “significantly alter [its] business model.”<sup>59</sup> (Box 16)

In April 2025, Lyft announced plans to acquire the mobility platform “Free Now” from BMW and Mercedes-Benz for €175 million. With the acquisition, Lyft enters ride-hailing competition in 150 European markets.<sup>60</sup>

### **Box 16. Lyft reported risks**

*In addition to the harms listed above, a determination in, resolution of, or settlement of, any legal proceeding related to driver classification matters may require us to significantly alter our existing business model and/or operations (including suspending or ceasing operations in impacted jurisdictions), increase our costs and impact our ability to add qualified drivers to our platform and grow our business, which could have an adverse effect on our business, financial condition and results of operations and our ability to achieve or maintain profitability in the future.*

## 4.6 Grab Holdings, Ltd

Grab is a company group operating with a holding company structure, limited by shares registered in the Cayman Islands. Grab 50 million dual-class shares.<sup>61</sup> Grab subsidiaries operate in South Asia as a company group with headquarters in Singapore. Grab acquired Uber’s Southeast Asia business in 2018. Uber retained a “major strategic shareholding”, as of 2023, Uber holds 14% of Grab Class A shares and 5 of 15 board seats.<sup>62</sup>

Grab acquired Uber’s business in Southeast Asia in 2018. Uber Technologies, Inc. held 13.9% of Class A shares of Grab Holdings and 5.7% of voting power as of 31 December 2023.<sup>63</sup> Grab Holdings predicates its business on drivers classified as independent contractors. It reported reclassification of drivers as employees or unionisation among risks that may result in “adverse business, financial, tax, legal and other consequences.”<sup>64</sup>

Grab reports five reasons for their belief that drivers are independent contractors in existing employment classification frameworks. (Box 17)

### **Box 17. Grab Holdings, Ltd definition of independent contractor**

*[Drivers] (i) can choose whether, when, where, and the manner and means to provide services on our platform; (ii) are able to provide services on our competitors' platforms; (iii) have each acknowledged and agreed when signing up to our terms and conditions that their relationship with us does not constitute an employment relationship; (iv) may provide their own vehicles to perform services and, in some jurisdictions such as Indonesia, Singapore and Malaysia, are also able to rent cars (as lessees) from any rental company or us, if needed and to the extent permitted by laws; and (v) receive variable earnings for delivering services to our consumers or merchant-partners, rather than wages or other fixed amounts of income.*

## 4.7 Deliveroo

Deliveroo is publicly traded on the UK stock market with estimated capitalisation of \$3.3 billion. In April, shareholders received an acquisition offer from Door Dash.

## 4.8 Yango

Yango was part of a company group once held by the Russian conglomerate, Yandex LLC, through a Netherlands holding company. Nasdaq and the New York Stock Exchange halted Yandex share trading after the Russian invasion of Ukraine. Yandex NV sold all Russian operating units to Consortium First, believed to consist of senior Russian executives, subsidiaries of Lukoil, and other Russian executives.<sup>65</sup> Very little information can be found about Yandel's operations and impacts can be found since the sale.

On its website, Yango describes itself as “an informational service and not a transportation or taxi services provider. Transportation services are provided by third parties,” claiming to operate with “over 150 million rides since 2018, and 600,000 registered drivers.”<sup>66</sup> It reports 53.2mm Go Monthly active users.<sup>67</sup> Yango claims to be “here for you” in 21 ILO Member countries, most of which are countries in Africa, MENA, Central and South America, and West Asia.

## 4.9 Mergers and Acquisition activity

MNPEs in transport and delivery recently reported consolidation through mergers and acquisitions.

Figure 6 MNPE mergers and acquisitions

Buyer	Seller	Reported Price	Announced
Prosus (Netherlands)	JustEat	\$4.3 billion	24 February 2025
Lyft (US)	FreeNow (Germany)	\$200 million	16 April 2025
Door Dash (US)	Deliveroo (UK)	\$3.6 billion	25 April 2025

Prosus is the largest shareholder (28%) in the German MNPE, Delivery Hero. A combination of Delivery Hero and JustEat would become the fourth largest food delivery company in the world. Prosus also reportedly owns 100% of iFood (Brazil), 25% of Swiggy (India) and 4% of Meituan (Hong Kong).<sup>68</sup>

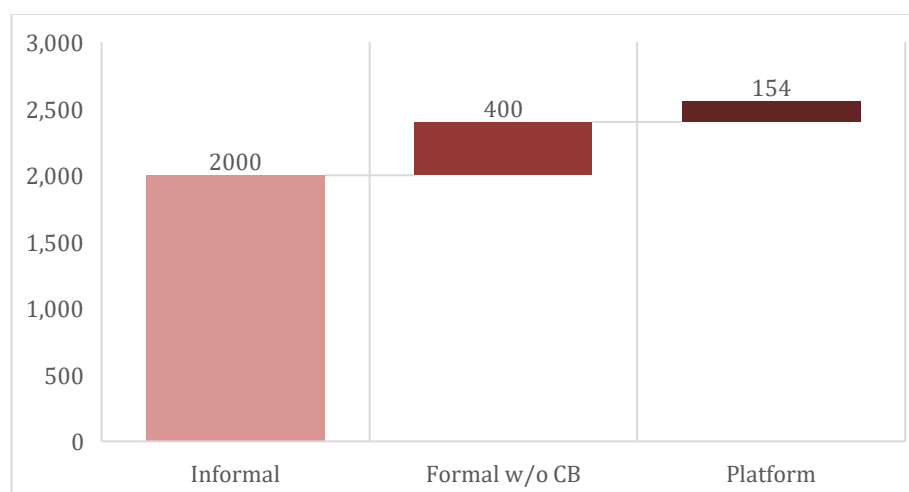
## 5 Litigation risks

The United States relies on litigation to address conflicts more than any other ILO Member. The concept of “litigating elucidation” – resolving legal uncertainty through court cases – is often used when there is confusion about how existing laws apply. This is especially evident in disputes between transport MNPEs and App-based transport workers, a pattern seen throughout the case throughout the ILO membership. At the time of this Report, Uber has been a party in more than 4,000 open cases in the United States alone.<sup>69</sup> There is a high potential for the largest transport MNPE exporting such a litigious approach.

## 6 FPRW gaps

By the time the 113<sup>th</sup> ILC convenes in June 2025, 2.5 billion informal, formal and App-based workers worldwide lack access to ILO standards. (Figure 7) The ILO reports over 2 billion informal workers<sup>70</sup> and the OECD indicates more than 400 million *formal employees* are not covered by a collective bargaining agreement in just the 38 members of the OECD.<sup>71</sup>

Figure 7. Classifications of workers without access to one or more fundamental ILO principles and rights at work (figures are in millions)



### Inroads are limited

The ILO identified just nine countries with collective bargaining agreements in the platform and gig work. Figure 8 shows seven of these in Europe.<sup>72</sup>

The UK recognition agreement with Uber is limited to a *maximum* of 70,000 workers. If fully realised, this would barely cover 1% of all estimated UK platform workers.<sup>73</sup>

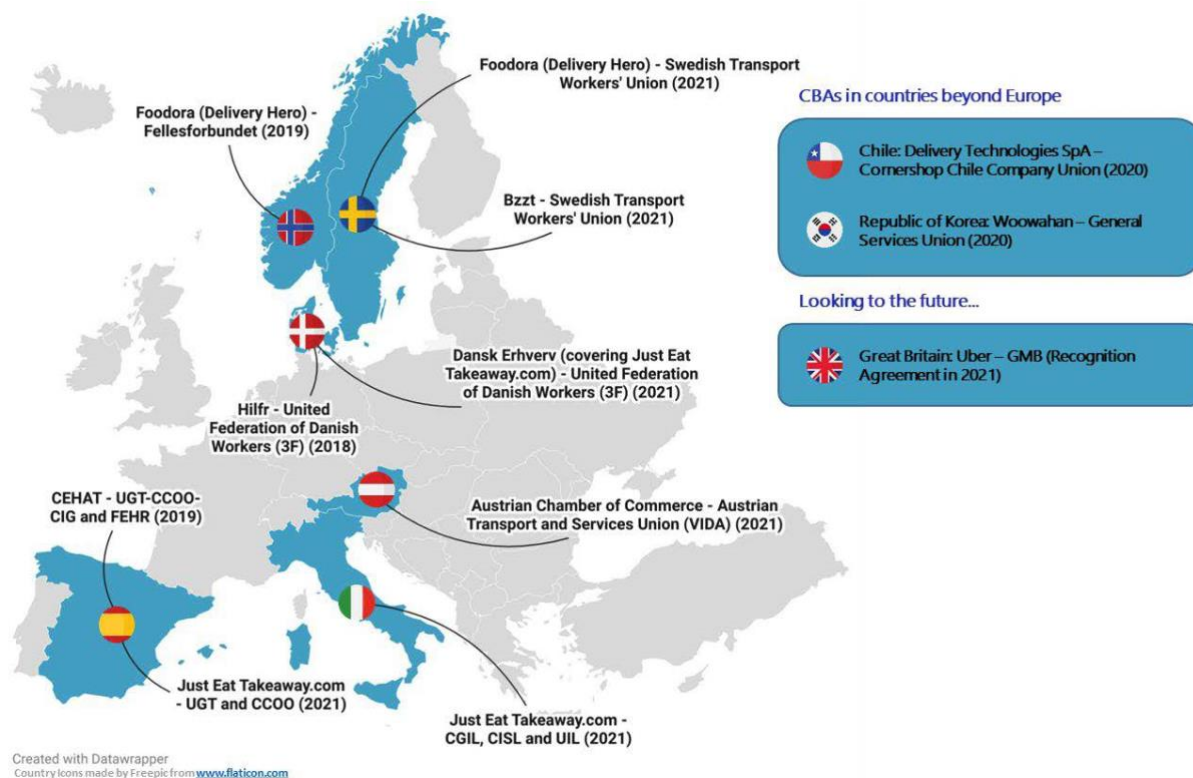
Foodora is one of several brands operating as part of the Food Hero company group. Food Hero does not report a collective agreement anywhere in the world covering “platform and gig economy.” Works councils cover only those workers who are employed by the company. (See section 4.4 for more information)

BZZT and Hllfr are not large enough to be influential. BZZT was acquired by non-union Move by Bike in 2023. Move by Bike reports only 42 “employees” and did not report a collective bargaining agreement in its most recent annual reporting.<sup>74</sup>

In Italy, Spain, and the Netherlands, recent court decisions have forced MNPEs to reconsider app-based workers as employees. Thus far these decisions have not completed their course through the appellate processes and few workers are covered by a collective bargaining agreement.

At the end of 2024, Food Hero announced plans to “hire 15,000” Spanish App-managed workers as “full time employees” to mitigate the risk of future legal risks.<sup>75</sup> Because Spain collective bargaining takes place at a sectoral and national level, it would be able to cover full time employees in the relevant sectoral agreement.

Figure 8: Collective agreements in the platform and gig economy reported in an ILO working paper (January 2022)



## Part II. IAATW Member Experiences

The IAATW surveyed affiliated organisations and workers on their actual experiences with one or more transportation and delivery App-managers. The IAATW discussed the ILO standard-setting and ILO questionnaire in regional workers' rights workshops. The result is a series of shadow reports for the ILO to inform the debate on platform work standards: [\*The South Asia Shadow Report\*](#), [\*Decent work in the platform sector: a grassroots report from Sub-Saharan Africa\*](#), and [\*Southeast Asia Shadow report on Platform Work Standards\*](#).

The reports come from countries with a combined 62% of global platform work, providing the voice of workers dealing with app-managed transport enterprises on a daily basis. Their experiences are underrepresented in the ILO process and differ from EU and other traditional worker representatives in ways that need to be fully explored before standards are set. A series of recommendations are provided in Part III of this report.

IAATW members responded differently than the aligned worker group responses. The summary of worker comments that follow are cross-referenced with the ILO Questionnaire number and relevant provisions in the draft ILO Convention and Recommendation.

### **Summary of App-based transport worker responses to the ILO Questionnaire:**

- One global standard, without flexibility of interpretation for MNEs, should cover App-based worker classification to ensure the ongoing relevance of the ILO in industrial relations. (Question 27, 28, others; Convention point 21, 22, 29)
- FPRW are not realized for 90% of the formal economy, 80% of global app-based work. (Q17; Convention conclusions point 12)
- Workers do not know how or if they want to fit into normative labour relations, employment laws, and ILO standards. The draft convention does not clarify or give confidence to App-based transport workers. (Q10 and Q16; Convention 3b and Conclusions point 38)
- Enterprises misrepresent themselves as technology “platforms” or “intermediaries” when in fact they are ordinary businesses that operate technology services and products provided by 154 million workers. (Q14, Q15, Q30; Convention points 7 through 11; Convention 40)
- Enterprises are perceived as using undue influence to obtain exemptions to a raft of regulations that expose App-based transport workers and their community to extreme health and safety risks. (Q18, Q19, Q20, Q21; Convention points 14 to 18; Recommendation Point 61)
- Unclear regulatory coverage intensifies risks of gender-based violence and harassment. (Q23; Convention point 19)
- Enterprises are not transparent about management decisions that affect App-based worker performance and algorithmic actions that are akin to discipline. (Q39; Recommendation point 58 should be moved to the convention.)

- The idea of “remuneration” alone does not capture the scope of transactions between MNPEs and App-based workers. (Q11, Q31; Convention 3d, and point 23)
- App-based worker costs necessary to carry out their work must be included in any calculation of “remuneration”, income, earnings and percentage fees, consistent with labour market principles, this should be moved from the Recommendation to the Convention. (Q32, Q33, Q34, Q35 and Q36; Convention point 24; Recommendation points 52, 53 and 57)
- App-based transport workers have no legitimate grievance mechanism and insurmountable obstacles posed by governments and enterprises prevent justice.

## 1 App-managed transport worker reports from Top 15 Countries

IAATW represents affiliated unions in 18 countries including 7 of the 15 countries with 80% of global platform workers. IAATW members work for one or more of the major MNPE apps.

IAATW and its affiliates organised three sets of regional in-country meetings that concluded with reports from Nepal, Sri Lanka and India and a final hearing in Hyderabad on 21st of August 2024 with the participation of affiliates from Nepal, Sri Lanka and India. A Bangladesh affiliate could not attend the final hearing because of the political situation emerging in that country at that time. A parallel series of meetings were conducted in Kenya along with delegates from South Africa, Ghana and Nigeria. A third report was produced after discussions held in Indonesia and Cambodia.

All three IAATW regions concluded with respective reports. The following section summarises the testimony from App-based workers in their respective reports:

*South Asia Shadow Report on Platform Work Standards.* India, Sri Lanka and Nepal.

*Decent work in the platform sector: a grassroots report from Sub-Saharan Africa.* Kenya, Nigeria, Ghana and South Africa.

*Shadow report on Platform Work Standards in Southeast Asia.* Indonesia and Cambodia.

### 1.1 India: Indian Federation of App Based Transport Workers (“IFAT”)

IFAT represents App-managed taxi drivers and delivery riders within the 30 million estimated platform workers of India. The main MNPEs are Uber, Zomato, and Ola.

India comprises 33% of all global platform work, which makes the information and experiences from IFAT members a leading input for any ILO standard-setting process. As we discussed in Part II, India is not proportionately reflected in the responses that were used to shape the ILO discussion.

Indian App-based transport workers question there being anything “new” or special about some “platform” economy. An IFAT member believe they belong to the transport industry, which is nothing new. Other IFAT members believe they belong to the restaurant industry, and even food delivery people were part of normal industry activity.

*"Just because there is an app now, doesn't change the actual work." (T1.6) <sup>76</sup>*

Attempts to access FNPR and other domestic legal rights, MNPEs refer to workers as being "their own bosses" in something they call a "mini shop." If this were true, IFAT members would expect other free-market controls, like the ability to set rates charged to passengers based on supply and demand, and limits to the fees taken by the app for services provided out of the so-called worker's "mini-shop" and not provided by of the MNPE or app. (T1.1)

IFAT members report severe risks of life and limb performing work on apps provided by the MNPEs. The ambiguous status makes protections and recourse unavailable. Reports of graphic passenger criminal assaults against drivers and deaths while working on the app have gone unanswered by the MNPEs. None of the safety rules are applied, traffic volumes enabled by the MNPE app are certain to exceed civic plans for roads and traffic controls. Safety protections normally required for transportation work are not provided by either the government or the MNPEs.

On other occasions, MNPEs refer to IFAT drivers as "partners." IFAT drivers reject this and do not feel they have a partnership. If they did, IFAT members would expect shares and a return on their investment in the "partnership." But instead, arbitrary commissions can reach as high as 40% and include unknown third-party insurance fees and double taxation. Pricing is unpredictable based on management decisions delivered through the algorithm.

Workers' expenses frequently exceed income and feel they must work (7) days or risk delisting and deactivation. In addition, MNPE over-supply leads to less demand per worker, resulting in lower fares.

An App-based driver for Uber, Delhi reported,

*Companies claim to deduct around 20% commission from each ride, but the actual deduction is often much higher. Additionally, it has been noted that a convenience fee is charged simply for using the app. On top of that, we drivers pay a 5% GST without any clarity on where that money goes, as there is no GST number or documentation to verify that it is being passed on to the government. Furthermore, once a driver surpasses a yearly income of ₹4 lakhs, ₹5,000 is automatically deducted from our Uber wallet as TDS (Tax Deducted at Source). Given all the expenses we incur—such as car maintenance and fuel costs, the TDS deduction feels unjust. It's like paying the taxes twice.*

## 1.2 Indonesia: Asosiasi Driver Online ("ADO")

ADO represents drivers and delivery workers working for Gojek, Grab, and Indrive, among others. ADO points to Law No. 22 of 2009 on Road Traffic and Transportation that excludes online transportation services, leaving a large segment of transport work unmonitored. App-based workers interviewed for the Southeast Asia Shadow report expressed concern about the lack of rules suitable for the work.

*The current government regulations do not address the existing problems. They lack strict enforcement mechanisms, and the rules issued do not yet meet the needs of platform workers.*

Another worker raised consequences of unregulated management of algorithms materialises as overwhelmingly unfair earnings, hours of work, and algorithmic discipline.



*If we need to cancel an order, the platform company will lock the account for 5 minutes. If the cancellation occurs again, the account may be locked for up to 30 minutes.*

*Even though I try to stay consistently online, there are times when I still don't receive any orders.*

ADO members want more transparency and rights related to the algorithms consistent with normal labour management relations standards for just cause, fair and accessible appeals, and MNPE accountability for their management decisions carried out through the algorithm.

### 1.3 Sri Lanka: All Island Association to Protect the Rights of Taxi Owners and Drivers (“AIPROD”)

A meeting held by the Labour Department involved workers and companies, PickMe and Uber. At the meeting, Pickme and Uber expressed opposition to acknowledging drivers and riders as workers, citing arguments that they enjoyed a “flexibility” available only to independent contractors.

Workers rejected having any flexibility. AIPROD members report they cannot reject rides. If they are not willing or able to provide the ride offered by the MNPE, or if they take time off beyond one day, they receive automated, negative performance reviews by the MNPE.

### 1.4 Kenya

App-based workers in Kenya raised issues specifically affecting women drivers and riders associated with safety and gender.

*The structure of app-based work continues to reflect long-standing gender-based inequalities. Women working in this sector often navigate environments that are unsafe, unrewarding, and unsupported. We are exposed to gender-based violence and discrimination often deterring our full participation, we face unfair and biased ratings, allocation systems and deactivations by platforms, lack basic protections, health, safety, reproductive and maternity rights and redressal mechanisms. We face infrastructural and structural barriers even in accessing and financing our vehicles or seeking credit and we hardly get any space or decision-making powers even among workers' associations and unions.*

Another worker described a persistent apprehension, particularly among women drivers while providing services.

*You don't know who you're picking up. You don't know where they're going. You don't even know if the account is theirs. You just get a name - and sometimes, not even that. Women are told not to work at night - it's not safe. If a woman reports harassment, the app just says, "We'll look into it." then silence.*

In Kenya, App-based worker reported earnings do not factor the costs of providing the services, such as rising fuel costs, vehicle maintenance, and suitable vehicle premium and interest



expenses. The resulting economics are considered insufficient to support Kenya app-based workers and their families.

## 1.5 United States: Rideshare Drivers United (“RDU”)

A long-standing approach in New York calculates occupancy rates of vehicles through each of the apps individually. The same metric of occupancy rates is also used to cap the number of vehicles that can be put on the street by the company, which was another great example of data cooperation between the state and companies to protect the welfare of the drivers.

## 2 Reports from Sub-Saharan Africa

### 2.1 Nigeria: Amalgamated Union of App-based transporters of Nigeria (“AUATON”)

AUATON has been active since 2016. It has applied for government recognition as a trade union. A current government struggle in the ministry of labour has affected AUATON’s application.

Nigerian labour law limits an industry to having just one union. There was already a named union with “transport workers” representing traditional transport workers. As a result, the union believes Uber and possibly other MNPEs protested AUATON’s recognition and the inclusion of “transport workers” in its name. The union was forced to reapply with the current name, “transporters.”

Additional challenges are found in Nigeria’s definitions of employer, employee and remuneration, which have not been updated to address App-based working relationships.

#### **Nigeria Labour Act rev 1990.**

*Employer* means any person who has entered into a contract of employment to employ any other person as a worker either for himself or for the service of any other person and includes the agent, manager, or factor of that first-mentioned person...

*Worker* means any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour. Worker does not include someone “employed” for something other than the purpose of the “employer’s business.

*Remuneration* is not defined, but *Wages* means remuneration or earnings (however designated or calculated) capable of being expressed in terms of money and fixed by mutual agreement or by law which are payable by virtue of a contract by an employer to a worker for work done or to be done or for services rendered or to be rendered.

*Workplace* is not defined.

The IAATW Sub Saharan Report identified income stability as a main issue for App-based work in Nigeria.

*Despite working for extremely long hours, not being able to take any offs and burning fuel day in day out on the city streets, we are hardly able to make ends meet. We really need to have a fair and minimum level of pay to be determined per mile, per min, which*

*can ensure us a life of dignity and some stability.*

An App-based worker from Nigeria also raised an interesting problem of trying to piece together full employment by working on more than one MNPE app at a time.

*What is the problem even if we are on many apps at the same time? If I spent 2 hours on Uber, 3 hours on Bolt and 1 hour on Indrive, I should be paid in proportion. When you factor the cost of vehicle credit being too high or unavailable, there needs to be calculations based on per mile or per minute that is fair and periodically updated and enforced.*

## 2.2 South Africa: Western Cape E-Hailing Association

An issue specific to South Africa is App-based transport workers often own and subcontract multiple vehicles for use on one or more MNPE apps. This has raised the issue of primary and secondary employment relationships. There is no present way to address this issue as the Labour Relations Act is presently written to require an employer enterprise. The term “Employer” is not defined in the LRA.

### **South Africa Labour Relations Act, 1995, No 66 of 1995**

*Employer* is not defined.

*Employee* means any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any person who in any manner assists in carrying on or conducting the business of an employer.

*Remuneration* means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State.

*Workplace* (not public service) means the place or places where the employees of an employer work. If an employer carries on or conducts two or more operations that are independent of one another by reason of their size, function or organization, the place or places where employees work in connection with each independent operation, constitute the workplace for that operation.

Amendments to the LRA were proposed by a tripartite committee in November 2024.<sup>77</sup> Definitions are proposed in a separate Schedule 11 to extend freedom of association, organizational rights, and collective bargaining, but these would *extend only* for the purpose of schedule 11. Independent contractors remain excluded. Employer is defined to mean any person or entity for whom an employee works, which locks App-based workers into conflicting classification interpretations.

An App-based worker from South Africa reports economic obligations compel them to work on multiple apps, raising an issue of joint and several employment obligations.

*I have no other choice, but to work for multiple platforms to earn a living. These platforms together and separately exert considerable control on my work, working conditions and earnings. Then how are they not my employers? It is about control and not exclusivity that determines their status of employers. In South Africa, our labour law acknowledges joint and several liability and employers can negotiate in an*

*employers' association. This work seems like an open and shut case of joint and several employment. Why are we not talking about that?*

## 2.3 Ghana: The Delivery Transit Workers Union (“DTWU”)

The DTWU was formed out of 10 smaller associations. It maintains a local representational structure based on geographic blocks. The associations consolidate industrial representation for their areas. Dues are paid up to association and paid by individuals. The main MNPEs are Uber and Yango.

Like was reported in the other African examples, Ghana’s Labour Act covers workers and employers under an employment contract.

### **Ghana Act 651, Labour Act, 2003.**

*Employer* means a person who employs a worker under a contract of employment.

*Contract of employment* means a contract of service whether express or implied, and if express whether oral or in writing.

*Worker* means “a person employed under a contract of employment whether on a continuous, part-time, temporary or casual basis.”

Ghana examples taken from the Sub-Saharan Africa Report show how App-based transport workers reject the MNPE having no control, raising the issue of algorithmic decisions and discipline.

*Our work is marked by enormous control, manipulation and discipline by the app companies every day, yet the latter are not designated as employers. Instead, these companies categorise us using fake terminologies like partners, dashers and independent contractors that have no national or international relevance. We drivers and riders therefore need to be designated as employees under all applicable laws.*

In Ghana, workers report algorithmic reprisals in the form of blocking drivers and riders from the app for services. This new form of discipline often comes without notification or just cause.

*No one can understand why our ID gets blocked. We ourselves keep wondering what went wrong. The companies neither give any warning nor any reason for such deactivations. Even if they do give any reason, it is often very vague.*

## 3 Reports from Asia

### 3.1 Cambodia: Independent Democracy of Informal Economy Association (“IDEA”)

IDEA was established in 2005 as the “Assisi Driver Online.” The main MNPEs in Cambodia are Grab, Tada, and Foodpanda (Delivery Hero).

IDEA represents over 10,000 taxi drivers, tricycle drivers, domestic workers and other types of couriers but cannot obtain the right to bargain as a trade union. It registered as an NGO due to legal

reasons and conflicting ministerial jurisdictions (interior and labour) over App-based work. Attempts to register as a trade union were rejected. The current government opinion is the App-based work is part of the “informal” economy. The law prohibits informal workers from organising and bargaining. Because it is not a recognised trade union, IDEA does not have the possibility to actively influence decisions by the Workers’ Group at the ILC.

IDEA disagrees with the government treating App-based work as informal and think it causes several consequences for drivers. Efforts in 2023 to expand labour protections into the informal economy were unsuccessful. Drivers are liable for traffic accidents, ineligible for social protection and medical coverage for injuries sustained while working on the App. Drivers are solely responsible for their own social protection contributions. MNPEs do not contribute.

The relationship between the company and the drivers is treated as a partnership agreement.

Cambodia has a highly competitive domestic market, with dozens of food, grocery, and other types of platform enterprises, such as Passapp. Mergers and acquisitions by larger MNPEs are common, with Grab acquiring Pham24 at the end of 2024.<sup>78</sup>

IDEA members in the Southeast Asia Shadow Report place the responsibility for social protection squarely on the enterprise.

*The platform company does not pay into the National Social Security Fund for us as workers. There is no support or protection provided. According to Cambodian labour law, all companies must contribute to the social security fund for their workers, but the platform company I work for does not fulfil this obligation.*

### 3.2 Nepal

App-based transport drivers in Nepal working for the domestic platform enterprise, Patheo, report conditions that mirror those reported by App-based workers for the larger MNPEs. Issues with balancing income and business costs leave workers few options but to remain working on the App longer than normal full-time work.

*Companies take a significant portion of our incomes. For instance, if I earn 2,500 Nepali rupees, the company takes away 650 rupees or more. We spend 600 rupees on fuel, 350 for meals while on duty, 100 on phone data, and around 200 on vehicle related expenses such as EMIs and maintenance. Once I deduct all my expenses I am left with around 600 rupees, which is less than what the company deducts. Just think about it, the company does nothing but take 650 or more and I work for more than 12 hours but only make around 600.*

And the misunderstood corporate structure strains the App-based transport industry in Nepal.

*Companies like InDrive, Pathao, etc., are not registered under the Nepal government. They charge a registration fee of Rs. 2500 for online registration to work for the company. After registration, the drivers are given online training on how to provide service and how to behave with customers. All the data about the drivers is collected during registration, but no such a process happens for customers. Why are they so concerned about our data if we are not employees?*

# Part III. Conclusions and Recommendations

## 1 Conclusions

The evidence provided in this report demonstrates there are no internationally accepted standards for the App-based transport industry. Enterprises have contested the application of international labour standards to advance their own interests since the ILO was founded in 1919.

ILO Conventions and the national laws that implement them in member countries could be applied to App-based transport companies, but for the companies' interpretations of key definitions. The ILO and member countries could address such loopholes, for example by updating definitions of "employer" and "employee," and work toward ending "independent contractor" exclusions. The ILO and member countries have not taken this path and instead seek new standards.

When app-based work was first introduced by MNPEs more than twenty years ago, the ILO conventions could have been applied, and member countries could have adapted their laws to address idiosyncrasies in the labour market. This did not happen, and countries are forced into retroactive rulemaking.

Private sector collective bargaining is necessary and would provide a solution to address the issues of an emerging workforce. Meaningful engagement with representative organisations like IAATW affiliates will be essential for the global standards to reach intended App-based workers.

**"Self-employed"** is not a term that can be applied to App-based workers, given the realities of how workers are managed and compensated. Some jurisdictions have tried to extend worker protections to self-employed workers, but they require corporate registrations that are presently uncommon in the App-managed transport industry.

The ILO attempts to preserve the relevance and cohesion of global standards require clear direction to members through a binding Convention, with definitions that do not allow for flexibility of interpretation by MNPEs.

The Convention contains enough flexibility to drive a train right through and ratification is nearly impossible in the United States. The significance of this cannot be overlooked as it shields the largest transport MNPE, Uber, from practicing ILO conventions or recommendations at home and exports the practice to the rest of the world.

To fill these gaps, the ILO will need to muster more political will, effort and courage to truly understand the issues faced by the cutting edge of platform work, **App-based transport**. On that, the issues identified in this report are numerous. There are several that rise to the level of IAATW priority identified in this report.

Algorithms are a management system of the MNPE, for which the MNPE must be held responsible. Its decisions are made by management acting with impunity behind a veil of technological innovation. MNPEs must be accountable for the operation of algorithms that interfere with App-based workers' rights, regardless of how those workers are classified, including algorithmic reprisals causing fear and intimidation in the workplace.

This is the challenge for the ILO within this modern industrial revolution. The relevance of ILO standards hinges on redefinitions of its social partnership to meet the new reality for workers and “employers”.

## 2 Recommendations

IAATW affiliated workers want the ILO and member countries to take the following steps that will ensure applicability of ILO standards, and coherent member country policies with the least potential for industrial disputes.

### **The ILO should:**

- i. Establish a tripartite standing committee on the application of ILO standards to MNPEs and workers in MNPEs, to conduct work beyond the double discussion process.
- ii. Empower the standing committee to monitor and assess the evolving impact of MNPEs on the world of work, and to recommend updates to the relevant ILO standards to ensure ongoing worker access to fundamental rights.
- iii. Use the 113th ILC first discussion to set up the necessary processes to fully address knowledge, data and representational gaps.
- iv. Include an expanded set of worker representatives in the double discussion process so that IAATW and its affiliates can fully and meaningfully participate in all standard-setting proceedings that impact its members.
- v. Ensure that the standing committee and other supportive processes established as per recommendations i, ii, and iii above include representatives from app-based worker organizations and MNPEs in transport, delivery, and domestic services, and are structured to proportionately reflect the regions where MNPEs are most active.
- vi. Establish legally binding standards with exceptions isolated to the most limited national circumstances.
- vii. Coordinate with other international organisations on interrelated policy issues. (corporate governance, tax, antitrust, anti-corruption, etc.)

### **Topics for the ILO Standing Committee should include:**

- i. Reviewing pathways to ensure effective coverage of ILO C87 and C98, advancing mechanisms to enable all app-based workers to exercise their right to form and join unions, and to bargain collectively;
- ii. Providing technical assistance to member states to ensure that labour, antitrust and other legislative frameworks do not infringe on these rights;
- iii. Exploring the potential of sectoral bargaining and joint employer models to extend the coverage of international labour standards to a larger number of platform workers;
- iv. Conducting assessments of App-based work in all labour market analyses going forward;
- v. Updating ILO terminology and concepts each year to reflect and keep pace with app-based industrial relations, in coordination with bodies and processes addressing the Future of

Work. As a threshold matter, it is important to define the platform as an enterprise with employment impacts and ensure that all related terminology reflects this principle, and in fact, to replace the terms “platform”; “platform economy”; “digital labour platforms”; and “digital platform workers” with standard terms for ordinary businesses and workers;

- vi. Ensuring that MNPEs bear responsibility (including through principles of joint and several liability extending across multiple MNPEs as necessary) for their management decisions over algorithmic systems and processes, including discipline, deactivation, discriminatory treatment (including based on gender) and other worker impacts outlined in the IAATW report;
- vii. Determining remuneration, income and social protection calculations particular to the operations of app-based work;
- viii. Initiating a specific assessment of the gendered dimensions of app-based work, and promote the rights of women workers;
- ix. Strengthening national institutional structures, including through technical assistance and frameworks to improve effective implementation;
- x. Additional provisions to cover future evolutions of app-based work.
- xi. Moving Recommendation (R.58) into the Convention to require enterprise transparency and responsibility over management decisions that affect App-based worker performance and algorithmic actions that are akin to discipline;
- xii. Moving costs necessary to carry out work from the Recommendation (R.53) to the convention;
- xiii. Revising the convention and recommendation according to the Standing Committee work and findings.



## Annexes

### Annex A: Data for top 15 platform work countries

<b>country</b>	<b>Share of global platform work (%)</b>	<b>Platform work as % of WB Estimate (154m global)</b>
<i>India</i>	26.90%	41,426,000
<i>Bangladesh</i>	14.62%	22,514,800
<i>Pakistan</i>	12.05%	18,557,000
<i>USA</i>	5.59%	8,608,600
<i>UK</i>	3.83%	5,898,200
<i>Philippines</i>	3.33%	5,128,200
<i>Ukraine</i>	2.62%	4,034,800
<i>Russia</i>	2.57%	3,957,800
<i>Egypt</i>	1.79%	2,756,600
<i>Indonesia</i>	1.52%	2,340,800
<i>China</i>	1.42%	2,186,800
<i>Serbia</i>	1.37%	2,109,800
<i>Sri Lanka</i>	1.13%	1,740,200
<i>Canada</i>	1.07%	1,647,800
<i>Kenya</i>	1.01%	1,555,400

## Annex B: Analysis of Workers' group responses to the ILO Questionnaire by continent

	Responses	Responses (% of total)
<b>Europe</b>	<b>62</b>	<b>32%</b>
Albania	1	1%
Austria	2	1%
Belgium	4	2%
Bosnia and Herzegovina (Republika Srpska)	1	1%
Bulgaria	1	1%
Cyprus	1	1%
Denmark	1	1%
Estonia	1	1%
Finland	3	2%
France	3	2%
Germany	2	1%
Greece	1	1%
International <sup>1</sup>	8	4%
Ireland	1	1%
Italy	3	2%
Latvia	1	1%
Lithuania	1	1%
Luxembourg	2	1%
Malta	1	1%
Montenegro	2	1%
Netherlands	2	1%
North Macedonia	2	1%
Norway	2	1%
Poland	2	1%
Portugal	2	1%
Republic of Moldova	1	1%
Serbia	2	1%
Slovenia	1	1%
Spain	3	2%
Sweden	3	2%
Switzerland	2	1%
<b>South America</b>	<b>47</b>	<b>24%</b>
Argentina	9	5%
Brazil	20	10%
Chile	2	1%
Colombia	6	3%
Costa Rica	1	1%
Ecuador	1	1%
Paraguay	1	1%
Peru	6	3%
Uruguay	1	1%
<b>Asia</b>	<b>37</b>	<b>19%</b>
Azerbaijan	1	1%
Bahrain	1	1%
Bangladesh	2	1%
Cambodia	2	1%
Georgia	1	1%
India	2	1%
Indonesia	1	1%
International <sup>1</sup>	1	1%
Iraq	2	1%
Israel	1	1%
Japan	1	1%
Jordan	1	1%
Kazakhstan	1	1%
Lebanon	1	1%
Malaysia	1	1%

## IAATW App-mediated industrial relations

Maldives	1	1%
Mongolia	1	1%
Nepal	4	2%
Oman	1	1%
Pakistan	1	1%
Philippines	2	1%
Republic of Korea	2	1%
Russian Federation	1	1%
Saudi Arabia	1	1%
Singapore	1	1%
Thailand	1	1%
Türkiye	2	1%
<b>Africa</b>	<b>31</b>	<b>16%</b>
Algeria	1	1%
Burkina Faso	1	1%
Burundi	1	1%
Cameroon	2	1%
Democratic Republic of the Congo	1	1%
Egypt	1	1%
Gambia	1	1%
Ghana	1	1%
International <sup>1</sup>	1	1%
Kenya	2	1%
Madagascar	1	1%
Malawi	1	1%
Mali	1	1%
Mauritania	2	1%
Morocco	2	1%
Namibia	1	1%
Niger	1	1%
Nigeria	4	2%
Rwanda	1	1%
Senegal	1	1%
South Africa	2	1%
Togo	1	1%
Zimbabwe	1	1%
<b>North America</b>	<b>15</b>	<b>8%</b>
Canada	2	1%
Dominican Republic	2	1%
El Salvador	1	1%
Grenada	1	1%
Mexico	6	3%
Panama	1	1%
Saint Lucia	1	1%
United States of America	1	1%
<b>Oceania</b>	<b>3</b>	<b>2%</b>
Australia	1	1%
New Zealand	1	1%
Samoa	1	1%
<b>Grand Total</b>	<b>195</b>	<b>100%</b>

<sup>1</sup> Organisations that responded for more than one country in a region.

## Annex C: Analysis of Workers' group responses by predominant category of worker represented

	Responses	Responses (% of total)
<b>Employees</b>	<b>179</b>	<b>92%</b>
General Employees	134	69%
Professional	11	6%
Maritime, Transport, or Ports	7	4%
Dependent	4	2%
Public Sector	4	2%
Medical	2	1%
Postal or telecom	2	1%
Machinists	2	1%
Metalworkers	2	1%
Manufacturing	2	1%
Construction	2	1%
IT Services	1	1%
Dairy and Food	1	1%
Private security	1	1%
Services	1	1%
Unknown	1	1%
Railway	1	1%
Regional	1	1%
<b>App-based transport workers</b>	<b>11</b>	<b>6%</b>
<b>Care &amp; Domestic workers</b>	<b>4</b>	<b>2%</b>
<b>App-based workers</b>	<b>1</b>	<b>1%</b>
<b>Grand Total</b>	<b>195</b>	<b>100%</b>

## Endnotes

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<sup>3</sup> Realising decent work in the Platform Economy, (v1 and v2) Geneva: International Labour Office 2024/2025.

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<sup>5</sup> *A Normative Gap analysis on decent work in the platform economy, prepared for the ILO Governing Body*. Policy Development section, Employment and Social Protection Segment (POL). 24 February 2023.

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<sup>12</sup> ILO Recommendation 198 – Employment Relationship Recommendation, 2006.

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<sup>16</sup> Realising decent work in the Platform Economy, (v2) Geneva: International Labour Office 2025.

<sup>17</sup> Realising decent work in the Platform Economy, (v1) Geneva: International Labour Office 2024.

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<sup>19</sup> Van Olmen, Chris. Van Olmen & Wynant, *Belgium: Labour Deal 2022: Better Protection for Digital Platform Workers*.

<sup>20</sup> Ibid.iii, Table 6 Definition of “platform worker” in selected national legislative instruments.

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<sup>22</sup> OECD. *Negotiating our way up*. 2019.

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<sup>28</sup> Price Waterhouse Coopers, <https://taxsummaries.pwc.com/india/corporate/deductions>, accessed 4 April 2025.

<sup>29</sup> IAATW, *South Asia Shadow report*, April 2025

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<sup>32</sup> OECD (2023) Guidelines for Multinational Enterprises on Responsible Business Conduct.

<sup>33</sup> *Final Statement, International Alliance of App-Based Transport Workers vs. Uber Technologies, Inc. National Contact Point for Responsible Business Conduct the Netherlands*. 21 May 2025.

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<sup>37</sup> Schneider, Mark D. *Unions for Independent Contractors*. American Bar Association Journal of Labor & Employment Law 3 (2023)

<sup>38</sup> Ibid.

<sup>39</sup> South Africa Labour Relations Amendment Bill, 2024.

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<sup>41</sup> Uber Technologies, Inc. 10-K Annual report to the US Securities and Exchange Commission, 14 February 2025.

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<sup>43</sup> IAATW, *South Asia Shadow Report, April 2025*.

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<sup>46</sup> Doordash 10-K report to the US Securities and Exchange Commission, for the year ending 31 December 2024.

<sup>47</sup> Delivery Hero Annual Report 2024.

<sup>48</sup> Hadwiger, Felix. 2022. Realizing the opportunities of the platform economy through freedom of association and collective bargaining. ILO Working Paper 80 (Geneva, ILO).

<sup>49</sup> Eurofound (2021), SE (Societas Europaea, European Company) Works Council Delivery Hero (Initiative), Record number 3009, Platform Economy Database, Dublin, <https://apps.eurofound.europa.eu/platformeconomydb/se-societas-europaea-european-company-works-council-delivery-hero-103127>.

<sup>50</sup> Delivery Hero Annual Report 2024, p78.

<sup>51</sup> AP News. *Spain fines delivery app Glovo 79M euros for labor violation. 21 September 2022*. [https://apnews.com/article/technology-spain-ae53e61bbdfcc34bf3076213acc5f393?utm\\_source=copy&utm\\_medium=share](https://apnews.com/article/technology-spain-ae53e61bbdfcc34bf3076213acc5f393?utm_source=copy&utm_medium=share)

<sup>52</sup> Eurofound (2024), Glovo (Delivery Hero) to hire riders as employees to avoid legal uncertainties (Initiative), Record number 4448, Platform Economy Database, Dublin, <https://apps.eurofound.europa.eu/platformeconomydb/glovo-delivery-hero-to-hire-riders-as-employees-to-avoid-legal-uncertainties-110197>.

<sup>53</sup> Laudana, Paolo. *Delivery Hero sees 100 million euro hit from making Spanish riders employees*. Reuters. 2 December 2024. <https://www.reuters.com/business/retail-consumer/delivery-hero-says-glovo-riders-spain-become-employees-2024-12-02/>

<sup>54</sup> Delivery Hero Annual Report 2024.

<sup>55</sup> Delivery Hero increases provisions for legal risks following delivery riders reclassification decision in Italy and updates preliminary adjusted EBITDA for FY2024. 11 April 2025.

<sup>56</sup> Bolt Supplier Code of Conduct. Downloaded from bolt.eu on 19 March 2025.

<sup>57</sup> <https://bolt.eu/en/franchise/>

<sup>58</sup> Stockport Private Hire Car Operators License No: 1048.

<sup>59</sup> Lyft, Inc. Annual Report 2023, Form 10-K provided to the US Securities and Exchange Commission.

<sup>60</sup> Reuters. <https://www.reuters.com/markets/deals/lyft-enter-european-market-with-200-million-freenow-acquisition-2025-04-16/>

<sup>61</sup> Grab Holdings Inc, SEC FORM 20-F. for the period ending 31 December 2023

<sup>62</sup> Uber, Inc. Schedule 13D report of shareholdings in Grab Holdings Inc. SC 13D 1 e24230\_ubergrab-sc13d.htm.

<sup>63</sup> Grab Holdings, LTD, SEC Form 20-F for the period ending 31 December 2023.

<sup>64</sup> Ibid.

<sup>65</sup> Yandex N.V. Exhibit 99 disclosure to the US Securities and Exchange Commission, 2 February 2024.

<sup>66</sup> [https://yango.com/en\\_int/company/](https://yango.com/en_int/company/) accessed 19 Marcy 2025.

<sup>67</sup> IPJSC Yandex company presentation, February 2025.

<sup>68</sup> Reuters. <https://www.reuters.com/markets/deals/prosus-buy-just-eat-takeawaycom-create-european-food-delivery-firm-2025-02-24/>

<sup>69</sup> Public Access to Court Electronic Records (“PACER”) party name “Uber Technologies” “open” case search, 7 April 2025.

<sup>70</sup> ILO World Employment and Social Outlook, Trends 2024.

<sup>71</sup> OECD Stats as of January 2020, prior to Colombia and Costa Rica membership. Bargaining coverage and level of bargaining reported in OECD Negotiating Our Way Up (2019).

<sup>72</sup> Hadwiger, Felix. 2022. *Realizing the opportunities of the platform economy through freedom of association and collective bargaining*. ILO Working Paper 80 (Geneva, ILO).

<sup>73</sup> <https://www.gmb.org.uk/news/uber-and-gmb-strike-historic-union-deal-70000-uk-drivers>

<sup>74</sup> *MoveByBike Europe AB (publ) Årsredovisning för räkenskapsåret. 2023-01-01 – 2023-12-31.*

<sup>75</sup> Eurofound (2024), Glovo (Delivery Hero) to hire riders as employees to avoid legal uncertainties (Initiative), Record number 4448, Platform Economy Database, Dublin, <https://apps.eurofound.europa.eu/platformeconomydb/glovo-delivery-hero-to-hire-riders-as-employees-to-avoid-legal-uncertainties-110197>.

<sup>76</sup> IFAT, AIAPROD, NETWON workers. *Southeast Asia Shadow Report on Platform Work Standards*. IAATW 2025.

<sup>77</sup> *Labour Relations Amendment Bill, 2024*, 22 November 2024.

<sup>78</sup> <https://www.grab.com/kh/en/press/others/grablovenham24-announcement/#:~:text=Borima%20Chann%2C%20CEO%20and%20Founder,of%20every%20community%20we%20serve.>