

► Questionnaire

As noted in the introduction to this report, at its 347th Session (March 2023) the ILO Governing Body decided to place on the agenda of the 113th Session (June 2025) of the International Labour Conference a standard-setting item on decent work in the platform economy (double discussion).¹

Governments are requested to provide their views on the form, scope and content of the future standards by responding to this questionnaire, after consultation with the most representative organizations of employers and workers. Reasons should be given for their replies and the organizations consulted should be indicated. Governments are also reminded of the importance of ensuring that all relevant departments or ministries that have oversight or other functions connected to the platform economy are involved in responding to this questionnaire.

In order for the Office to take account of the replies to this questionnaire, governments are requested to submit their replies to the Office no later than 31 August 2024.

The questionnaire includes four possibilities for the type of instrument or instruments that could be adopted: a Convention; a Recommendation; a Convention supplemented by a Recommendation; or a Convention comprising provisions that would be mandatory and provisions that would provide guidance.

The questions are divided into thematic areas. Each thematic area includes both questions related to provisions that could be considered to be mandatory and questions related to provisions that could be considered to provide guidance. The provisions that could be considered mandatory would reflect principles, rights and obligations that are applicable to all digital platform workers as they address core aspects of decent work in the platform economy. The provisions that could be considered to provide guidance would deal with specific details of the implementation of the principles, rights and obligations, or aspects that are either not yet ripe for mandatory norms or more suitably addressed under non-mandatory norms. Governments are therefore invited to comment not only on the content of the possible provisions but also on whether they should be mandatory or provide guidance.

The structure of the questionnaire in no way limits the right of the International Labour Conference to decide on the most appropriate form of the instrument or instruments.

Furthermore, the questionnaire seeks constituents' views on whether the instrument or instruments should include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms. Should there be support, the Office would prepare, ahead of the first discussion by the Conference, more detailed information on the possible design of an amendment procedure for this purpose.

Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit replies to platformeconomy@ilo.org. Respondents may also submit their replies in hard copy to the Conditions of Work and Equality Department (WORKQUALITY) at the International Labour Office in Geneva.

¹ GB.347/PV(Rev.), para. 876.

I. Form of the international instrument or instruments

1. Should the International Labour Conference adopt an instrument or instruments concerning decent work in the platform economy?

Yes No

Comments

[Click or tap here to enter text.](#)

2. If so, should the instrument or instruments take the form of:

(a) a Convention?

(b) a Recommendation?

(c) a Convention supplemented by a Recommendation?

(d) a Convention comprising mandatory provisions and provisions providing guidance?

Comments

The choice of the instrument is influenced by the proposed broad scope of the instrument (intention to cover both employment and self-employment). Preliminarily, a recommendation would appear to be a more justified option, given the multidimensional nature of the regulatory package.

A recommendation offers more flexibility for Member States. The platform economy is diverse and national practices and legal systems vary. A recommendation would be more able to capture that diversity.

Contents of the instrument should be determined taking into account the scope (employment relationship and/or self-employed) of the instrument.

II. Preamble

3. Should the Preamble of the instrument or instruments recognize that the growth of the platform economy, including the expansion of digital labour platforms, has increased opportunities for job creation and work-related income and for enterprise and business development, while noting at the same time that it is significantly transforming the way work is organized and performed, with challenges for achieving decent work in the platform economy?

Yes No

Comments

In addition, the above mentioned: The preamble could further recognize that, given the digital nature of the platform economy, platform work has offered a new path for the formalization of work. It has created unique access to decent work opportunities in countries of all development stages.

4. Should the Preamble of the instrument or instruments recall that international labour Conventions and Recommendations apply to all workers, including digital platform workers, unless otherwise provided?

Yes No

Comments

Click or tap here to enter text.

5. Should the Preamble of the instrument or instruments underline that the specificities of work on or through digital labour platforms make it desirable to supplement the general standards by standards specific to digital platform workers, to enable them to fully enjoy their rights and to promote fair competition?

Yes No

Comments

The need for guidance and protection has been recognized, but the level of regulation is yet to be determined. The need for protection varies; employees and self-employed require partly different measures. National regulation, especially with regard to the freedom to pursue a profession, must be taken into account. It is also crucial that the form of work and rights related to it are categorized correctly.

6. Should the Preamble of the instrument or instruments acknowledge the significance of the implications on working conditions of the use of algorithms for organizing, supervising and evaluating work on or through digital labour platforms?

Yes No

Comments

The use of algorithms in working life (automated decision-making, monitoring and evaluation) affect both employees and self-employed platform workers.

Terms "supervising" and "evaluating" refer to an employment relationship. Term "monitoring" is preferred since it recognizes the status of self-employed.

7. Should other considerations be included in the Preamble of the instrument or instruments?

Yes No

Please specify

The fundamental rights of working life belong to all workers regardless of the form of working.

The form and content of the instrument will determine any other considerations.

III. Definitions

8. For the purposes of the instrument or instruments, should the term "digital labour platform" mean a natural or legal person that provides, through digital tools such as a website or an application, a service involving the performance of work by a person for remuneration, irrespective of whether that work is performed online (online digital labour platforms) or in a specific geographic location (location-based digital labour platforms)?

Yes No

Comments

We prefer the definition of the EU directive on improving working conditions in platform work (art. 2.1) where the elements of platform work has more clearly been described. Referring to 'a website' or a 'application' could unnecessarily bring confusion as regards to scope of the

instrument that any company that has a website or an application could be covered. This needs to be clarified. The focus should be on organizing the work as it is in the Platform directive.

- 9.** For the purposes of the instrument or instruments, should the term “intermediary” mean a natural or legal person that provides access to work on or through a digital labour platform, by subcontracting or otherwise?

Yes No

Comments

Furthermore, a definition of an intermediary is included into the EU Directive. The addition of a definition also affects the 14th question of the scope of the instrument (paragraph a).

- 10.** For the purposes of the instrument or instruments, should the term “digital platform worker” mean a person who is employed or engaged to work on or through a digital labour platform,² regardless of their employment status or whether they work formally or informally?

Yes No

Comments

It would be beneficial if the instrument (especially if it is a convention) includes an article that clearly defines different concepts. It will be problematic if only one definition is used to cover both employed and self-employed. In the sections of the articles should be highlighted the entities who are subject to the regulation, as well as any differences in the employment relationship between the self-employed and employees (e.g. working hours, pay, occupational safety, social security).

Misclassification of the legal work relationship is a problem and a reference to the recommendation 198 in the question 27 gives guidance on this.

The EU Directive has two definitions that clarify which regulations are suitable for employment relationships and which for self-employed workers.

- 11.** For the purposes of the instrument or instruments, should the term “remuneration” mean the financial compensation payable to a digital platform worker, regardless of their employment status, in exchange for the work they perform on or through a digital labour platform?

Yes No

Comments

The definition should recognize and take into account the scope of the instrument which is intended to cover employment relationships and as well as self-employed persons. Better formulation would be for example “remuneration or service payments” covering both employees or self-employed persons.

See also answer to the question 37.

² Work on or through a digital labour platform covers a wide array of activities performed with the use of a digital intermediating tool such as a website or an application. It includes for instance work through ride-sharing applications and work on microtask platforms. The intermediating role of technology serves to differentiate it from other kinds of work undertaken by individuals for digital labour platforms, such as clerical work.

- 12.** For the purposes of the instrument or instruments, should the term “hours of work” mean the time during which digital platform workers are at the disposal of a digital labour platform, including when they are waiting for work assignments?

Yes No

Comments

Employees: yes. Working time regulation only applies to employees. There is no general regulation of working hours for entrepreneurs – this is also a contract law issue. The point calls for clarification. Self-employed people should know their working time autonomy when providing service through the platform.

- 13.** Should any other terms be defined by the instrument or instruments? If yes, please provide particulars?

Yes No

Comments

A separate definition of platform workers who are in employment relationship and self-employed platform workers should be considered as set out in the EU Platform Work Directive. This could increase the intelligibility of the instrument and clarify its scope.

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IV. Purpose and scope

- 14.** Should the instrument or instruments apply to:

(a) all digital labour platforms?

Yes No

(b) all digital platform workers?

Yes No

Comments

The section a) should take into account the possible definition of an intermediary.

Position on section b) depends on the personal scope (e.g. whether there is a broad scope and/or detailed regulation).

- 15.** Should the instrument or instruments provide that, where special problems of a substantial nature arise, each Member may, at the time of ratification and following consultation with representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, exclude from the application of all or part of their provisions:

(a) limited categories of digital labour platforms?

Yes No

(b) limited categories of digital platform workers?

Yes No

Comments

Answer to both a and b: No.

- 16.** Should the instrument or instruments provide that each Member should take measures to ensure that, in implementing their provisions, digital platform workers in an employment relationship enjoy protection no less favourable than that enjoyed by workers in an employment relationship generally?

Yes No

Comments

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V. Substantive content of the instrument or instruments

A. Fundamental principles and rights at work

Mandatory

- 17.** Should the instrument or instruments underline that each Member should take measures to ensure that digital platform workers enjoy the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

Yes No

(b) the elimination of all forms of forced or compulsory labour;

Yes No

(c) the effective abolition of child labour;

Yes No

(d) the elimination of discrimination in respect of employment and occupation;

Yes No

(e) a safe and healthy working environment?

Yes No

Comments

Freedom of association belongs to everyone, but in terms of collective bargaining, competition law boundaries must be taken into account.

As regards to OSH matters, there are differences between employees and self-employed which should be taken into account and clarified (what is mandatory) especially if the instrument is a convention.

B. Occupational safety and health

Mandatory

- 18.** Should the instrument or instruments provide that each Member should require digital labour platforms to take appropriate steps commensurate with their degree of control to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by assessing physical and psychosocial risks and taking the adequate preventive and control measures?

Yes No

Comments

In principle, this would be a good starting point. Everyone should have a healthy and safe working environment. As far as the scope is concerned, the legal status of a platform worker (employee in an employment relationship or a self-employed person) affects the situation.

In addition, the form of the instrument also plays a role. For the self-employed, it can be difficult to adopt binding regulation and it can also become a ratification barrier if the instrument is a convention.

The point calls for clarification as to what it would mean for those working in different legal relationships.

The health and safety provision of the EU Platform Work Directive only covers employees.

19. Should the instrument or instruments provide that each Member should take appropriate measures to ensure that:

(a) equipment used to perform work on or through digital labour platforms does not entail dangers for the safety and health of digital platform workers;

Yes No

(b) digital platform workers receive appropriate information and training in occupational safety and health;

Yes No

(c) digital platform workers have the right to remove themselves from a work situation which they believe presents an imminent and serious danger to their life or health;

Yes No

(d) digital platform workers report to a representative of the digital labour platform any situation in which they have reasonable justification to believe it presents an imminent and serious danger to their life or health;

Yes No

(e) adequate personal protective clothing and equipment, which are necessary when hazards cannot be otherwise reasonably prevented or controlled, are provided by the digital labour platform without any cost to the worker?

Yes No

Comments

In principle yes.

There are questions concerning self-employed persons. The liability issues are unclear: who on the platform would be responsible for the existence of certain supplies, for example, if/when it is a matter of self-employed.

Point e) leaves unclear for whom the responsibilities belong to and what the obligation means if the platform worker is self-employed.

- 20.** Should the instrument or instruments provide that, in the course of performing their work, digital platform workers should comply with the prescribed occupational safety and health measures and cooperate in the fulfilment by digital labour platforms of the occupational safety and health obligations placed upon them?

Yes No

Comments

See previous answer. This is a good starting point. However, this section needs more clarity taking into consideration differences between employment relationships and self-employed (who have more autonomy).

- 21.** Should the instrument or instruments provide that, when the protection of digital platform workers in case of employment injury is not ensured through existing social security schemes, each Member should require digital labour platforms to extend such protection to the digital platform workers they employ or engage?

Yes No

Comments

In employment relationships, compulsory insurance is acceptable as a starting point. Instead, for self-employed people, this should be optional, taking into account national systems in the matter.

Guidance

- 22.** Should the instrument or instruments provide that Members should encourage digital labour platforms to provide digital platform workers, as appropriate to the nature of work performed, with access to sanitary facilities and drinking water?

Yes No

Comments

Yes, if it were a non-binding guideline and the wording is flexible (encourage, as appropriate to the nature of the work performed).

C. Violence and harassment

Mandatory

- 23.** Should the instrument or instruments provide that each Member should take appropriate measures to effectively protect digital platform workers against violence and harassment in the world of work, including gender-based violence and harassment and, where appropriate, violence and harassment involving third parties such as clients and customers, including when perpetrated online, consistent with the right of everyone to a world of work free from violence and harassment, as recognized in the Violence and Harassment Convention, 2019 (No. 190)?

Yes No

Comments

Click or tap here to enter text.

D. Employment promotion

Mandatory

- 24.** Should the instrument or instruments provide that each Member should make it an aim of national policy to promote the creation of decent jobs and encourage career and skills development in the platform economy, consistent with the goal of full, productive and freely chosen employment as set forth in the Employment Policy Convention, 1964 (No. 122)?

Yes No

Comments

The promotion of employment generally is desirable, but this objective is not dependent on the way in which work is organized.

Guidance

- 25.** Should the instrument or instruments provide that Members should promote opportunities for further training and education for skills development and portable competencies for digital platform workers, in order for them to enjoy decent work, improve their employment prospects and respond to changing technology and labour market conditions?

Yes No

Comments

See answer to the question 24.

- 26.** Should the instrument or instruments provide that Members should promote measures to reduce barriers for disadvantaged groups to work on or through digital labour platforms?

Yes No

Comments

This could be done as part of the overall objective of employment policy to promote the employment of the disadvantaged groups.

See also answer to the question 24.

E. The employment relationship

Mandatory

- 27.** Should the instrument or instruments provide that each Member should take measures to ensure the adequate classification of digital platform workers in relation to the existence of an employment relationship, based on the primacy-of-facts principle as set out in the Employment Relationship Recommendation, 2006 (No. 198), taking into account the specificities of work on or through digital labour platforms?³

Yes No

³ The primacy-of-facts principle is expressed in Paragraph 9 of Recommendation No. 198, which provides that the determination of an employment relationship "should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties."

Comments

If recommendation – yes.

- 28.** Should the instrument or instruments provide that the measures adopted by Members concerning the determination of the existence of an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that digital platform workers in an employment relationship have the protection they are due?

Yes No

Comments

Employment law and the definition of an employment relationship are mandatory law and there are no conflicts between employment and commercial/civil law from this point of view.

Guidance

- 29.** Should the instrument or instruments provide that Members should review at appropriate intervals and, if necessary, clarify and adapt the scope of relevant laws and regulations, in order to ensure the adequate classification of digital platform workers in relation to the employment relationship in the changing world of work?

Yes No

Comments

Member States will assess the situation in policy preparation, taking into account international regulation and other instruments. Thus, there is no need for a proposal in accordance with the paragraph.

F. The use of intermediaries**Mandatory**

- 30.** Should the instrument or instruments provide that each Member should take measures to ensure that, where the use of intermediaries is permitted, their activities should be adequately regulated, and the respective responsibilities of digital labour platforms and intermediaries, including in respect of occupational safety and health, and the payment of remuneration and social security contributions, should be determined and allocated in accordance with national law and practice?

Yes No

Comments

This proposal is too detailed. A more general record of the fact that regulation should not be circumvented by intermediaries, if intermediaries are used, would be preferred.

In Finland, social security legislation provides for procedures to determine whether an employer is obliged to arrange social security insurance for the employee. If necessary, these procedures will also determine which party is the employer with the duty to insure.

For the application of the Occupational Safety and Health Act, see the question 18.

G. Remuneration and working time**Mandatory**

- 31.** Should the instrument or instruments provide that each Member should take measures to ensure that the remuneration payable to digital platform workers is:

(a) adequate and includes, as appropriate, fair piece rates;

Yes No

(b) paid regularly, in legal tender and in full, in accordance with contractual obligations, national laws, regulations and collective agreements, and not unduly withheld?

Yes No

Comments

In addition, the right of self-employed persons to freely determine their remuneration or other payment, as well as their grounds, must be taken into account in accordance with the general principles of contractual freedom. Self-employed persons are not subject to labour law and collective agreements.

See the answer to the questions 11. and 32. on the term "remuneration".

32. Should the instrument or instruments provide that, in assessing compliance with applicable laws, regulations or collective agreements on the amount of remuneration, the following should not be considered part of the remuneration payable to the digital platform worker:

(a) any expenses or other costs necessary to carry out their work;

Yes No

(b) tips and other gratuities?

Yes No

Comments

The instrument or instruments should not contain such detailed regulation, but should adhere to general principles.

Many digital platform workers are independent contractors who have the control of the costs they incur and thus these expenses should be excluded from assessing compliance.

Tips belong to the worker but laws and practices vary among countries and Members should have discretion.

Instead of referring to "the remuneration", the term should be inclusive of employees and independent contractors. For example the term "remuneration or service payments" covers both employees or self-employed persons.

33. Should the instrument or instruments provide that each Member should provide that digital labour platforms should only be permitted to make deductions from digital platform workers' remuneration under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement, and should be prohibited from charging any fees or costs, directly or indirectly, in whole or in part, to digital platform workers?

Yes No

Comments

- General guidance (in a recommendation -level) would be favourable.
- The question mixes two separate issues; deductions, and charging fees or costs.

- The contexts of deductions vary, and this may include service charges. Limiting deductions could cause challenges given the diversity of platforms and their business models.
- Fair recruitment principles are important, and, in the case of a digital labour platform that employs workers, the employees should not have to pay a fee to access the platform.
- The term "Remuneration or service payments" capture all platform workers more accurately. See the comment in the question 11.

34. Should the instrument or instruments provide that each Member should require digital labour platforms to regularly provide digital platform workers with accurate and easily understandable information on their remuneration and any deductions made?

Yes No

Comments

The term "remuneration" is too limited, "remuneration or service payments" would be better.

35. Should the instrument or instruments provide that each Member should take measures to ensure, in accordance with national laws, regulations or collective agreements, adequate protection of digital platform workers in relation to:

(a) hours of work;

Yes No

(b) rest breaks;

Yes No

(c) daily and weekly rest?

Yes No

Comments

a –c) Yes for employees – more clarity is needed for self-employed persons

The elements above are commonly considered when there is an employment relationship. In employment, it is justified to protect working hours generally, but self-employed workers are free to choose their working hours. However, for the self-employed is important to know their working time autonomy, how they can organize breaks and when they have to be accessible via platform.

Guidance

36. Should the instrument or instruments provide that Members should take measures to ensure that the remuneration payable to digital platform workers is at least equivalent to the statutory or negotiated minimum wage, calculated according to the same method, that is applicable to workers in a comparable situation, where it exists?

Yes No

Comments

In employment relationships, it is justified to demand a minimum wage. In case of self-employed, the freedom to set their own rate/price for their work should be respected. How to compare platform workers' salary with the other employees in general requires clarification.

Hourly or monthly minimum wages do not apply to self-employed platform workers. Further, the questionnaire does not take into account that, on some platforms, workers set their own rates.

37. Should the instrument or instruments provide that Members should establish guidance on the payment of tips and other gratuities to ensure that they are received by digital platform workers?

Yes No

Comments

See answer to the question 36.

This is perhaps overly prescriptive and unnecessary and applies only employees.

38. Should the instrument or instruments provide that Members should establish a method to determine the remuneration payable to digital platform workers for periods of time during which they are at the disposal of the platform and waiting for work assignments?

Yes No

Comments

In Finland there are regulations regarding the status of employees. When it comes to the self-employed, this section requires clarification.

See the comment to the question 11. on remuneration.

39. Should the instrument or instruments provide that Members should take measures to enable digital platform workers to decline a work assignment or to disconnect from a digital labour platform when they are not available for work, without retaliation?

Yes No

Comments

In principle yes

The answer depends on the form of work. Part-time employees are bound by the obligations of the employment contract, the rest of the time in their own use (the duty of loyalty to the employer must be taken into account). Self-employed persons must have an unrestricted right to log out of the service and/or not accept work tasks.

H. Impact of the use of algorithms on working conditions

Mandatory

40. Should the instrument or instruments provide that each Member should require digital labour platforms to inform digital platform workers, before they are employed or engaged, and their representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers, about the use of algorithms to

organize, supervise and evaluate work, and the extent to which this use affects the working conditions of digital platform workers?

Yes No

Comments

Those performing the work must be informed. For terms, see previous answers. Social partners and organizations representing platforms and platform workers are taken into account as part of national law drafting.

41. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that the use of algorithms:

(a) does not result in any direct or indirect discrimination, including in respect of access to work on or through digital labour platforms and the setting of remuneration;

Yes No

(b) does not have harmful effects on the safety and health of digital platform workers, including risks of work-related accidents and psychosocial risks?

Yes No

Comments

If this section concerns the fact that when creating an algorithm system, attention should be paid to making it so that it does not cause adverse effects on the occupational safety and health of platform workers, on these premises we support this.

On the other hand, wide application create challenges as regards self-employed persons. More clarity on this is needed (especially b).

42. Should the instrument or instruments provide that each Member should ensure that digital platform workers have effective access, without undue delay, to a human review of any decision generated by an algorithm that impacts their working conditions, in particular when it results in the suspension or deactivation of their account, or termination of their work relationship?

Yes No

Comments

In principle, yes, but technical decisions (which do not materially affect working conditions or the status of the employee) would not need to be reassessed.

Guidance

43. Should the instrument or instruments provide that when the impact of the use of algorithms on working conditions of digital platform workers is not covered by a collective agreement, such use should be the subject of prior authorization by the competent authority?

Yes No

Comments

Click or tap here to enter text.

44. Should the instrument or instruments provide that Members should encourage digital labour platforms to ensure regular monitoring and evaluation of the impact of the use of algorithms on digital platform workers' working conditions, and the application of any necessary corrective measures, in collaboration with digital platform workers'

representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers?

Yes No

Comments

The platform itself must perform the evaluation. If representatives are elected, they should be heard.

45. Should the instrument or instruments emphasize the importance of addressing at least the following elements in any information, collective agreement or prior authorization, as referred to in questions 40 and 44:

(a) the main parameters taken into account in the operation of algorithms that have implications for working conditions, and their relative importance;

Yes No

(b) the extent of human intervention, if any, in the decision-making process;

Yes No

(c) any subsequent change made to (a) or (b)?

Yes No

Comments

Yes, if the sections concern information provided directly to the person performing the work (i.e. both the employee and the self-employed person).

I. Protection of digital platform workers' personal data

Mandatory

46. Should the instrument or instruments provide that each Member should establish effective and appropriate safeguards concerning the collection, storage, use, processing and communication of digital platform workers' personal data?

Yes No

Comments

Click or tap here to enter text.

47. Should the instrument or instruments provide that each Member should require digital labour platforms to ensure that digital platform workers' personal data are collected, processed and used only to the extent strictly necessary for the proper performance of the work relationship or as required by national law, and to prohibit, in particular, the collection, processing and use of personal data:

(a) relating to private conversations, including exchanges with workers' representatives;

Yes No

(b) concerning membership of workers' organizations or participation in their activities;

Yes No

(c) obtained when the digital platform worker is not connected to a digital labour platform for the purpose of performing work;

Yes No

- (d) concerning physical and mental health and other sensitive data as determined in accordance with international labour standards and other relevant national and international instruments?

Yes No

Comments

Recommendations related to data protection are important for all platform workers and their employers and platforms. It is important to prevent fragmentation and ensure equal protection across different sectors and industries.

Within the EU, the collection and processing of data is governed by the General Data Protection Regulation and the Platform Work Directive.

Guidance

- 48.** Should the instrument or instruments provide that, in establishing the safeguards referred to in question 46, Members should take into account relevant instruments of the International Labour Organization, such as the code of practice on the protection of workers' personal data, and other relevant national and international instruments on the protection of personal data and the right to privacy?

Yes No

Comments

[Click or tap here to enter text.](#)

- 49.** Should the instrument or instruments provide that Members should establish policies relating to the portability of data that relate to the work of a digital platform worker, including ratings?

Yes No

Comments

From the workers' point of view, enabling the transfer of data may be important (e.g., an image of the operator's reliability and good reputation), but the matter is identified as having different challenges related to the operations of platforms. It could also risk being anticompetitive. As a recommendation, the consideration of the issue is justified.

J. Social security

Mandatory

- 50.** Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers enjoy social security protection on terms not less favourable than those applicable to workers generally?

Yes No

Comments

Social security is a human right and access to it must be guaranteed to everyone. National models for organizing social security should be taken into account.

In Finland, statutory social security regulations apply to platform work in the same way as any other work.

In addition, social security is different for work in an employment relationship and for self-employed persons. This starting point is to be kept clear.

Self-employed persons should in principle insure themselves (accidents at work, pensions). Residence-based social security is guaranteed to everyone in Finland.

Guidance

51. Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms and digital platform workers both participate in the financing of social security systems based on the principle of financial, fiscal and economic sustainability, with due regard to social justice and equity?

Yes No

Comments

Member States should ensure access to sustainable social protection systems.

52. Should the instrument or instruments provide that, where coverage of the national social security protection system is limited, Members should endeavour to progressively extend its scope so that it covers all digital platform workers in respect of the nine categories of benefits included in the Social Security (Minimum Standards) Convention, 1952 (No. 102)?⁴

Yes No

Comments

See the answer to the question 50.

53. Should the instrument or instruments provide that Members should endeavour to take steps for the maintenance or portability of social security rights in the course of acquisition and acquired rights of digital platform workers when they are successively subject to different social security schemes in different Member States or within the same Member State?

Yes No

Comments

It is unclear, what "in the course of acquisition" means in this context.

A special feature of the Finnish social security system is its reliance on residence in the country. We have reservations about regulations that would extend the obligation to pay residence-based (tax financed) benefits abroad. However, for example, earnings-related pensions are also paid abroad on the basis of national law.

⁴ See Parts II–X of Convention No. 102: medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors' benefits.

K. Terms and conditions applying to digital platform workers

Mandatory

54. Should the instrument or instruments provide that the terms and conditions of digital platform workers should be governed by the law of the country where the work is performed?

Yes No

Comments

This question should be considered further, because the situations may be different in terms of the location of the work and the location of the platform: the work might not be done in the same country.

55. Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers are informed of their terms and conditions of work in an appropriate, verifiable and easily understandable manner, where possible through written contracts, in accordance with national laws, regulations or collective agreements?

Yes No

Comments

It should be noted that self-employed persons do not necessarily have collective agreements.

Guidance

56. Should the instrument or instruments provide that Members should require that contracts between digital platform workers and digital labour platforms contain at a minimum:

(a) the identity and contact details of the contracting parties;

Yes No

(b) the tasks that the digital platform worker is expected to perform;

Yes No

(c) information about the impact of the use of algorithms on working conditions, as referred to in question 40;

Yes No

(d) information about the grounds on which a digital platform worker's account may be suspended or deactivated, or the work relationship terminated;

Yes No

(e) information about the method to determine the remuneration payable to the digital platform worker, and possible deductions if any;

Yes No

(f) periods, if any, during which the digital platform worker is expected to be at the disposal of the digital labour platform for work assignments?

Yes No

Comments

Careful consideration should be given to what is the appropriate level of detail. Some points could be sufficient for mere information outside of the contract (e.g. information on the effect of algorithms). It is a good idea to maintain a certain level of generality, especially if the intention is to regulate both employed and private practitioners.

With regard to algorithms, consideration could be given to intellectual property rights and trade secret regulations.

L. Protection of migrants and refugees

Mandatory

- 57.** Should the instrument or instruments provide that each Member should take all necessary and appropriate measures to prevent abuses of, and provide adequate protection to, migrants and refugees in the course of their recruitment or their work as digital platform workers?

Yes No

Comments

[Click or tap here to enter text.](#)

Guidance

- 58.** Should the instrument or instruments provide that Members should ensure that free public information services are provided to ensure that migrants and refugees are aware of relevant laws and regulations relating to working on or through digital labour platforms, including dispute settlement mechanisms and legal remedies as referred to in questions 65–67?

Yes No

Comments

[Click or tap here to enter text.](#)

M. Freedom of association, social dialogue and the role of employers' and workers' organizations

Mandatory

- 59.** Should the instrument or instruments provide that each Member should take all necessary measures to ensure that digital labour platforms and digital platform workers effectively enjoy freedom of association and the right to collective bargaining, including the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization?

Yes No

Comments

However, it should be noted that collective bargaining rights for the self-employed are more limited from the point of view of competition law.

Guidance

- 60.** Should the instrument or instruments provide that Members should create an enabling environment for digital labour platforms and digital platform workers to exercise their right

to organize and bargain collectively and to participate in social dialogue, including at the cross-border level?

Yes No

Comments

See the answer to the previous question.

- 61.** Should the instrument or instruments provide that Members should take or support measures to strengthen the capacity of representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to effectively further and defend the interests of their members in relation to work on or through digital labour platforms?

Yes No

Comments

See the answer to the previous questions.

- 62.** Should the instrument or instruments encourage employers' and workers' organizations to extend membership and services to digital platforms and digital platform workers, respectively?

Yes No

Comments

Click or tap here to enter text.

- 63.** Should the instrument or instruments provide that Members should take measures to ensure that digital labour platforms make available to representative workers' organizations and, where they exist, organizations representing digital platform workers, all information necessary for meaningful negotiations?

Yes No

Comments

Competition law imposes restrictions on the provision of information to the self-employed if they intend to enter into collective agreements.

N. Suspension, deactivation and termination

Mandatory

- 64.** Should the instrument or instruments provide that each Member should take measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their work relationship with a digital labour platform, when it is based on discriminatory, arbitrary or otherwise unjustified grounds?

Yes No

Comments

This section should be formulated more precisely, e.g. "unjustified" is vague.

O. Dispute resolution

Mandatory

- 65.** Should the instrument or instruments provide that each Member should take measures to ensure that digital platform workers have easy access to appropriate and effective legal remedies, and safe, fair and effective dispute resolution mechanisms?

Yes No

Comments

With regard to the subject matter of this section, the same principles should be followed as for others in each Member State.

The terms "easy" and "fair" are subjective and could be removed.

Guidance

- 66.** Should the instrument or instruments provide that Members should take measures to ensure that digital platform workers have access to dispute resolution mechanisms in the territory in which the digital platform worker resides or carries out work on or through a digital labour platform, regardless of where the platform is established?

Yes No

Comments

In principle yes. Cross-border jurisdictional issues can be challenging.

- 67.** Should the instrument or instruments provide that Members, when taking measures regarding legal remedies and dispute resolution mechanisms, should consider the particular situation of migrants and refugees, including recognition of the right to stay lawfully in the territory to pursue their claim after their work relationship has ended?

Yes No

Comments

This topic should be left to the Members themselves to decide. In addition, in the case of conventions, too much detail may constitute a ratification barrier on such issues.

P. Compliance and enforcement

Mandatory

- 68.** Should the instrument or instruments provide that each Member should put in place mechanisms to ensure compliance with and enforcement of relevant national laws, regulations and collective agreements, having regard to the special characteristics of work on or through digital labour platforms?

Yes No

Comments

In principle, general principles are sufficient. The specifics of the work must be taken into account, as in other situations.

- 69.** Should the instrument or instruments provide that, in order to ensure compliance, each Member should determine the conditions governing the operation of digital labour

platforms through a system of licensing or certification or other form of regulation, including reporting obligations?

Yes No

Comments

Click or tap here to enter text.

Guidance

70. Should the instrument or instruments provide that, when putting in place compliance mechanisms as referred to in question 68, Members should ensure respect for the right to privacy of digital platform workers?

Yes No

Comments

Click or tap here to enter text.

71. Should the instrument or instruments provide that Members should ensure that measures are in place to facilitate the formalization of platform workers, tackle undeclared activities and promote fair competition, including by imposing reporting obligations on digital labour platforms?

Yes No

Comments

Regulation of a general nature would be sufficient to address the challenges of the informal economy. Propose to rephrase: The instrument or instruments provide that Members should ensure that measures are in place to facilitate the formalization of platform workers, tackle undeclared activities and promote fair competition. Reporting obligations will add an administrative burden.

Q. Implementation

Mandatory

72. Should the instrument or instruments provide that each Member should implement their provisions in relation to digital labour platforms operating, and digital platform workers working, in their territory?

Yes No

Comments

Click or tap here to enter text.

73. Should the instrument or instruments provide that, in implementing their provisions, each Member should consult with, and promote active participation of, representative employers' and workers' organizations and, where they exist, organizations representing digital labour platforms and digital platform workers?

Yes No

Comments

Click or tap here to enter text.

74. Should the instrument or instruments provide that their provisions should be applied by means of laws or regulations, collective agreements, court decisions, a combination of

these means, or in any other manner appropriate to national conditions and practice, including by extending or adapting existing measures, or by developing new measures to cover digital platform workers?

Yes No

Comments

“Developing new measures” needs to be clarified.

Guidance

75. Should the instrument or instruments provide that Members should cooperate at bilateral, regional and international levels to ensure the effective implementation of their provisions, especially in matters concerning fundamental principles and rights at work, social security, dispute resolution and the regulation of the operation of digital labour platforms?

Yes No

Comments

At the recommendation level and at the general level, it is justified to state.

As far as social security is concerned, cooperation between authorities and institutions is governed by the EU Social Security Coordination Regulations (Regulations 883/2004 and Implementing Regulation 987/2009) and any bilateral social security agreements. Cooperation with other countries takes place in various international forums.

76. Should the instrument or instruments provide that Members should raise awareness and provide information and guidance to digital labour platforms, digital platforms workers and representative employers’ and workers’ organizations and, where they exist, organizations representing digital labour platforms and digital platform workers, to support the effective implementation of their provisions?

Yes No

Comments

Click or tap here to enter text.

77. Should the instrument or instruments provide that Members should establish appropriate mechanisms, including the collection of data and statistics, to monitor developments concerning work on or through digital labour platforms?

Yes No

Comments

At recommendation level, general guidance is a good thing, but it is difficult to regulate the subject in a binding and detailed manner, which could constitute an obstacle to ratification in the case of an agreement.

Data collection and reporting obligations should be reviewed at national level.

R. Amendments

78. Should the instrument or instruments include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms?

Yes No

Comments

In principle, the instrument(s) should be able to be applied regardless of the development of technology or organizing work, and it should be drafted in a general manner, which would better take into account future developments. This requires further discussion and information.

VI. Other considerations

79. Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instrument or instruments?

Yes No

Comments

Regional regulation such as EU-regulation should be taken into account.

80. (For federal States only) In the event of the instrument or instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?

Yes No

Comments

[Click or tap here to enter text.](#)

81. Are there any other pertinent issues not covered by the present questionnaire that ought to be considered when drafting the instrument or instruments?

Yes No

Comments

The clarity of the instrument in terms of scope and obligations to whom they are targeted (employees, self-employed, employers or platforms) should be given special attention. The minimum level to which the instrument obliges should be clearly stated. This has been attempted to address in questions by distinguish between mandatory principles and other guiding principles, still more clarity is needed. The choice of the instrument affects the way of writing and the content of the instrument(s).

The instrument should identify areas where self-employed differ from employees and areas where self-employed also need protection (e.g. fundamental labour rights, occupational safety / working time autonomy, transparency on payment, access to social security and justice etc).