STATEMENT
7th October 2025

Referring to the statements of the ITUC, and as their requested statement on the ILO report Decent Work in the Platform Economy: Draft Convention and Recommendation, the Finnish central trade union confederations — SAK, Akava and STTK — submit the following:

General comments

SAK, Akava and STTK comments: We request the Office to consider the following essential general points, in addition to our specific answers:

1. Building on the Office's commentary on paragraph 11, we emphasise that the square-bracketed text in italics must remain the basis for next year's discussions. This anchoring point ensures that negotiations continue progressively, building on the direction set so far, rather than reopening fundamental debates or weakening recent achievements. Notably, during the ILC in June 2025, all constituents accessed this text via the Yellow Report, with ample opportunity for careful review and amendment.

2. To remain aligned with the clear direction set during the ILC discussions – where the overwhelming majority of Governments and the Workers' Group emphasised the need to move forward on provisions relating to automated systems, data protection, and suspension and deactivation – it is essential to act decisively in these areas. These discussions made clear that critical gaps remain, and the Committee's explicit intention was to make tangible progress and address them without delay.

3. On that basis and considering the tripartite consensus achieved on a significant part of the section on automated systems, we strongly recommend repositioning Article 15 on automated systems (already agreed by the Committee) immediately after the "Scope" section. To ensure consistency and coherence, Articles 16 through 19 should likewise be repositioned to follow directly after Article 15.

One of the most pressing and widespread challenges confronting platform workers is the persistent misclassification of their employment status. To address this issue with the urgency it demands, we strongly recommend repositioning Article 10 to follow Article 20 (Deactivation). This adjustment will ensure that the Committee can immediately deliberate on the provisions related to the most critical concerns of platform workers – automated systems, data protection, suspension and deactivation, and misclassification of employment status, after addressing the scope.

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Our proposed re-ordering should read as follows:

- **-Preamble**
- **I. Definitions**
- **II. Scope**
- **III. Impact of the use of automated systems** (current Articles 15-17, would become new Articles 3-5)
- **IV. Protection of digital platform workers' personal data and privacy** (current Articles 18 and 19, would become New Articles 6-7)
- **V. Suspension or deactivation of accounts and termination of employment or engagement (current Article 20, would become new Article 8)**
- **VI. Employment relationship (current Article 10, would become new Article 9)**
- **VII. Fundamental principles and rights at work**
- **VIII. Occupational safety and health**
- **IX. Violence and harassment**
- **X. Remuneration**
- **XI. Social security**
- **XII. Terms and conditions of employment or engagement**
- **XIII. Protection of migrants and refugees**
- **XIV. Dispute resolution and remedies**
- **XV. Compliance and enforcement**
- **XVI. No less favourable treatment**
- **XVII. Implementation**
- **XVIII. Normative language**

As a consequence of these proposed numbering changes, the articles in the Recommendation should also be reordered accordingly.

4. A principles-based ILO Convention must remain anchored in the ILO's constitutional mandate: to protect workers and improve working conditions. All ILO Conventions share the same purpose, rooted in the principle that "labour is not a commodity." Therefore, worker protection must be at the heart of any Convention, and its adoption must not undermine the integrity of existing International Labour Standards (ILS).

While some members have expressed a preference for a less detailed instrument, this cannot mean ignoring or bypassing the specific challenges posed by platform work. The ILO's tripartite standard-setting process has always focused on identifying gaps in protection and addressing areas where existing measures fall short. The platform economy is a case in point, with clear evidence of gaps that require targeted regulation.

The goal of negotiations should be clear: to adopt a Convention and Recommendation that protects workers. Irrespective of length, the text must be accessible, practical, and enforceable, avoiding unnecessary caveats or exceptions that weaken its meaning or implementation. "Principles-based" should never be interpreted as vague, superficial, or weak; it must deliver substantive protections that can be applied in practice.

The Convention must also reaffirm that Fundamental Principles and Rights at Work (FPRW) apply to all workers without distinction, while safeguarding the broader rights established through more than a century of ILO standards. These achievements cannot be undermined or diluted in the name of flexibility or simplification.

As discussed under the scope, the future standards must cover all platform workers, regardless of their employment status. The very mandate of the ILO is to improve conditions of work, for without social justice there can be no universal and lasting peace. Excluding certain forms of work, categories of workers, or sectors would not only weaken the instruments but also contradict the ILO's fundamental purpose of being comprehensive. True peace cannot be achieved while any workers are treated as commodities.

5. OSH is fundamentally about safeguarding lives, protecting against risks safeguarding wellbeing, and the broad health of workers, including mental health. A principles-based ILO Convention must uphold the core principle that every worker – whether in a factory, office, or digital labour platform – has the right to work in conditions that do not endanger their health or safety. This is not aspirational but a fundamental right at work, embedded in international frameworks.

For platform workers, OSH is particularly critical. Digital platforms have reshaped how work is organised, often circumventing and undermining traditional employment relationships, and leaving responsibilities for health and safety blurred or denied. Yet platform work, like all work, carries risks. Those risks must be prevented and managed by the entities that create and profit from them.

Traditional businesses have long accepted OSH responsibilities, adopting preventive and protective measures for employees. In contrast, many digital labour platforms resist, arguing that classifying workers as independent contractors absolves them of responsibility. This undermines fundamental rights and sets a dangerous precedent, contrary to the constitutional mandate

of the ILO, which calls for the “adequate protection for the life and health of workers in all occupations.”

It is therefore imperative that digital labour platforms be explicitly recognised as bearing OSH obligations. Member States must require them to adopt preventive measures suited to platform work. This duty cannot be optional or conditional on employment status. Any entity that organises, directs or profits from labour must be held accountable for protecting the safety and health of workers, just as traditional businesses are.

Essentially, the Convention should recognise that any platform work organised by a digital labour platform must be inherently safe and without risk to health, and must not create preventable risks to the physical or psychosocial health or safety of those engaged in, or impacted by, this work process.

6. While the Committee did not have an opportunity to discuss any final provisions in the draft Convention or Recommendation, we recommend the inclusion of an article providing for a simplified and accelerated procedure for amending specific provisions, in order to ensure the instruments’ continued relevance in light of technological changes. Such a procedure could involve proposals made by a duly constituted tripartite meeting being considered by the Governing Body for placement on the agenda of the International Labour Conference.

IV. Comments on the draft Convention

Constituents are invited to provide any specific comments on, or suggested amendments to, the articles of the draft Convention in the boxes below. Constituents are also invited to express their views on the Office’s commentary and questions relating to each article.

Please refer to the draft text on page 31 of Report V(3)

Preamble

Preamble – comments

SAK, Akava and STTK comments:

We are not providing any comments on the Preamble at this stage, as we intend to discuss the pending paragraphs and propose amendments during the 2026 ILC. Nevertheless, as a general comment, we propose a significantly shorter Preamble,

I. Definitions

Article 1 – comments

SAK, Akava and STTK comments:

1- In relation to the definition of "digital labour platform": we strongly agree with the Office's 'commentary in **paragraphs 26 to 29** that the expression "organizes and/or facilitates work" creates ambiguity and undermines legal certainty as regards the scope of the instrument.

Explanation:

In our view, the definition should avoid the use of "and/or" and should only refer to digital labour platforms that organise **work**. Digital labour platforms go beyond offering a matching function. They play an active role in structuring and governing work, as evidenced by their use of algorithmic management, price setting, access to work, and deactivation. Digital labour platforms are not neutral matching functions; they orchestrate the entire work process.

It is imperative that the definition recognise that the primary relationship is that between a digital labour platform and a digital platform worker. The worker, through the work they undertake, provides the labour component of the platform's service to a third party. It is essential to make clear that this work is organised by the digital labour platform, and that the platform's service is always connected to the provision of work by the worker.

In this regard, and based on the Office's explanation in paragraphs 26-29 and the discussion on scope in paragraph 39, we propose the deletion of the words "and/or " from both the definition of 'digital labour platform' and 'digital platform worker' so that Article 2 (a)(i) reads:

"organizes work performed a by person for remuneration or payment for the provision of a service, upon request of the recipient or requestor"

We also appreciate the Office explanation in paragraph 28 that "organizes and facilitates" would apply to a narrower range of digital platforms, by excluding those that merely offer a matching function.

As such, we remain open to exploring the possibility of adopting the "organizes and facilitates" formulation, also taking into account the views of the Committee members reflected in paragraph 29. We recall that the definition of 'digital labour platform' and the scope of the instruments must only capture those platforms that play a role in organising work, beyond simply offering the opportunity to connect. It is clear from the discussions during the 113th ILC that the intention of Committee members was not to include in the definition or scope those platforms that provide a service whose primary purpose is to exploit or share assets, such as short-term rental of accommodation, online marketplaces for physical goods, e-commerce websites operated by traditional businesses selling physical goods, or platforms that merely publish online advertising.

Further, in relation to the definition of "remuneration or payment," both terms describe amounts owed to platform workers for their personal labour. We are essentially talking

about "labour income for all time worked", which includes periods when digital platform workers are at the disposal of a digital labour platform.

As such, this definition captures the concept of "wages" for platform workers in an employment relationship and "payments" for the personal labour component of a worker not in an employment relationship. The second part of the definition clearly refers to the significant costs and expenses incurred by platform workers in carrying out their work (fuel, insurance, work tools, etc.). While it is correct that compensation to cover these payment is critical for platform workers to make a living, we can accept that such payments are not part of the "labour income" component of the "total" payment due to workers, but they should nevertheless be reimbursed.

Finally, we believe it is necessary to include a concept of "total compensation". In addition to remuneration or payment for their labour, digital labour platforms should compensate digital platform workers in full for the costs and expenses incurred in the performance of their work, as well as other emoluments. These concepts can be reflected under the section on remuneration.

We also support the Office's suggestion in **paragraph 36** to reword the reference to "National Laws, regulations" to "National laws and regulations."

II. Scope

Article 2 – comments

SAK, Akava and STTK comments: In relation to Article 2(1)(a), we recall that the scope must only capture those platforms that play a role in organising work, beyond simply offering the opportunity to connect. It is clear from the discussion during the 113th ILC that the intention of Committee members was not to include in the definition or scope those platforms that provide services whose primary purpose is to exploit or share assets, such as short-term rental of accommodation, online marketplaces for physical goods e-commerce websites operated by traditional businesses selling physical goods, or platforms that merely publish online advertising, etc.

III. Fundamental principles and rights at work

Article 3 – comments

SAK, Akava and STTK comments:

1. For clarity and consistency, Article 3.1 should reflect the agreed language in the Declaration on Fundamental Principles and Rights at Work. We therefore propose the following text which is aligned with the Declaration.

"Each Member should, in relation to their obligation to respect, realize and promote fundamental principles and rights at work, take measures to ensure that digital platform workers enjoy the fundamental principles and rights at work".

2. We take due note of the Office's comments in **paragraph 42** that Article 3.2 sets out in more detail some of the obligations mentioned in 3.1. At the same time, we consider

it important to recall that, while this provision is not intended to introduce new obligations, its objective should be to address the particular challenges encountered by platform workers in exercising their rights to freedom of association and collective bargaining. In this context, we underline that adopting a less detailed Convention should not be interpreted as restricting the ILO's ability to adequately regulate and respond to the evolving realities and specificities of the platform economy.

In this regard, beyond restating the well-settled principles of freedom of association and collective bargaining, we strongly recommend that the Convention should be additive and therefore address the specific obstacles to the implementation of these rights in practice. This can be achieved, for example, by replacing point 3.2 with paragraph 1.2 of the Recommendation with the following modification:

"Members should "guarantee" an enabling environment for digital labour platforms and digital platform workers to exercise their rights to organize and bargain collectively and to participate in social dialogue, " including through the use of digital technologies", and where appropriate, at the cross-border level".

IV. Occupational safety and health

Article 4 – comments

SAK, Akava and STTK comments:

1 In relation to **paragraphs 47 and 48**, we agree with the Office's understanding that the instruments will apply to all digital labour platforms, whether they are employers or not, as well as to all digital platform workers, whether employed or engaged, and that the Office's intention is to give clear guidance to Member states on compliance with OSH obligations. However, we believe that the new proposal on Article 4.1 **(paragraph 48)** is unhelpful.

Digital Labour Platforms should be directly identified as the entities that Member states must regulate in order to give effect to this provision. It must be noted that traditional businesses within the ILO framework have accepted responsibility for mitigating OSH risks, but many digital labour platforms do not accept this responsibility (whether they are employers or not). Accordingly, drawing substantially on the approach used in Article 12 and part IV of Convention No 155, we strongly request that the obligation to adopt preventive measures be placed on digital labour platforms. It is imperative that Member states require digital labour platforms to ensure that the design, programming, execution of commands, and all processes related to the creation of automated systems for occupational use do not entail dangers to safety and health, with due regard for the specific characteristics of work via digital labour platforms. Any work process designed or organised by a digital labour platform must be inherently safe and without risk to health and must

not create preventable risks to the physical or psychosocial health or safety of those engaged in or impacted by the work process.

In this regard, we cannot agree with the Office's suggestion to replace the current article 4.1 with the proposed new formulation enumerated in paragraph 48.

2- In relation to the Office's proposal in **paragraph 50**, we cannot agree to the possible move of Article 4(2) of the draft Convention to the draft Recommendation. Saving workers' lives is a fundamental principle, and this is precisely what Article 4(2) addresses.

In this regard, we suggest retaining the current article 4.2 and reinforcing the language to read as follows:

"Member States must take measures to protect digital platform workers by eliminating, to the fullest extent possible, work-related hazards and risks, including psychosocial and ergonomic risks, in order to prevent occupational accidents, occupational diseases, and any other injuries to health, including, but not limited to, those associated with long hours of work, and insufficient rest periods. This should also include consideration of the extent to which the design, introduction and use of automated systems impact occupational safety and health."

Article 5 – comments

SAK, Akava and STTK comments: We cannot agree with the Office's proposal in **paragraph 53** to remove the current Article 5. We believe that, in order to address the specific challenges that platform workers face, a similar provision must remain in the Convention, with the following additional text:

"Each Member shall require a digital labour platform to ensure that:

a) digital platform workers and "their representatives" receive information and training in occupational safety and health, and " are consulted on all aspects of occupational safety and health associated with their work, "including the design, introduction, and use of automated systems impacting on occupational safety and health".

Explanation: Both workers and their representatives should receive information and training on OSH without the qualifier 'where appropriate'. It is

also expedient to explicitly refer to the OSH impacts of automated systems in the context of information and training for workers and their representatives.

b) any equipment and "processes" used to perform work via digital labour platforms, so far as is reasonably practicable, does not entail dangers for the safety and health of digital platform workers;

Explanation We suggest the inclusion of 'processes' in addition to equipment to reflect the fact that work processes – generally dictated by automated systems – should not entail dangers for platform workers.

c.digit al platform workers have adequate personal protective clothing and equipment, where necessary and so far as is reasonably practicable, "at no cost to themselves", to prevent occupational accidents, occupational diseases and any other "adverse" effects on health

Explanation: We recommend using language drawn substantially from Convention No. 155, Article 16(3), which refers to "adverse effects on health" for consistency with this Fundamental Convention. Personal protective clothing and equipment should be provided at no cost to workers, as indicated in many ILS and other guidelines.

Article 6 – comments

SAK, Akava and STTK comments: We can support the bracketed text in Article 6(a), but we propose the deletion of Article 6(b) which refers to the 'duty' of workers to inform digital labour platforms.

Article 7 – comments

SAK, Akava and STTK comments:

We can agree with the Office' proposal in paragraph **56** to remove Article 7, although as explained above, we cannot agree with the proposal in **paragraph 48.**

V. Violence and harassment

Article 8 – comments

SAK, Akava and STTK comments: We can support the bracketed text on Article 8, although we

propose the following editorial change:

We suggest moving the reference “where applicable to” after “third parties”, to better reflect the provisions of the ILO Violence and Harassment Convention, 2019(No. 190), referenced in this paragraph. The text should therefore read as follows:

‘Each Member shall take appropriate measures to effectively protect digital platform workers against violence and harassment in the world of work, including gender-based violence and harassment, consistent with the right of everyone to a world of work free from violence and harassment, which is recognized in the Violence and Harassment Convention, 2019 (No. 190). Such measures shall address violence and harassment perpetrated online or involving third parties such as clients and customers, where applicable.”

It is important to recall that violence and harassment, particularly sexual and gender-based violence, must be addressed in recognition of the serious risks faced by many platform workers, especially women and migrants.

We would also support adding language that clearly sets an obligation for digital labour platforms to prevent gender-based violence and harassment in the world of work

We support the reference to the ILO Convention on Violence and Harassment (2019), (No. 190), based on the Office’s explanation in paragraph 20 of the Brown Report, that the practice of referencing other international labour standards appears in other Conventions. As the Office explains, this is a method for ensuring normative coherence among the instruments that together constitute the “clear, robust and up-to-date body of international labour standards” which forms the context for each individual instrument. It is also a method for ensuring simpler instruments, by expressly allowing other relevant standards to provide guidance on particular topics in later instruments. A Member’s ratification of a Convention that includes references to other Conventions does not imply that the Member accepts the obligations of those other Conventions if it has not ratified them.

VI. Employment promotion

Article 9 – comments

SAK, Akava and STTK comments: We suggest removing Article 9 from the Convention, together with the corresponding paragraph 7 in the Recommendation. A principles-based ILO Convention should not address employment promotion, particularly in the context of platform work, because its primary purpose is to enshrine and protect platform workers’ rights rather than regulate economic or policy strategies.

Linking such a Convention to employment promotion risks shifting its emphasis away from the protection of workers' rights, potentially allowing economic arguments to override protections.

This concern is especially pressing in relation to platform work, where workers often face unsafe conditions, low and unpredictable incomes, lack of social protection, and restrictions on freedom of association and collective bargaining. Platform jobs are frequently presented as opportunities for employment creation, but in practice, they often fail to meet decent work conditions To incorporate employment promotion into a principles-based Convention under these conditions would risk legitimising precarious forms of work instead of addressing the structural challenges they present.

VII. Employment relationship

Article 10 – comments

SAK, Akava and STTK comments: As noted several times during the 113th ILC by a large majority of governments and the Workers' Group, employment status misclassification is a critical issue that must be addressed effectively and urgently through this instrument.

In relation to Article 10.1: We strongly support this provision, including the express reference to The ILO Employment Relationship Recommendation, 2006 (No. 198). The text should be strengthened by recognising the range of methods available to determine the existence of an employment relationship, including a legal presumption of employment.

Therefore, we suggest the inclusion of the words: "including by allowing a broad range of means for determining the existence of an employment relationship and providing for a legal presumption of employment, as appropriate."

Our proposed text for this provision would read as follows:

"Each Member should take measures to ensure the correct classification of digital platform workers in respect of the existence of an employment relationship, guided primarily by the facts relating to the performance of work and the remuneration of the digital platform worker, "including by allowing a broad range of means for determining the existence of an employment relationship and providing for a legal presumption of employment", as appropriate taking into account the Employment Relationship Recommendation, 2006 (No. 198), and considering the specificities of work via digital labour platforms."

Explanation: By enabling a broad range of legal and practical indicators – such as control over working time, access to clients, tools of work, and unilateral deactivation – governments can better combat disguised employment. In addition, the availability of a strong legal presumption can act as an effective tool to help rebalance this asymmetry by ensuring that workers are not arbitrarily denied employment rights based on misclassification. Presuming an employment relationship shifts the burden

of proof to the platform to demonstrate otherwise, thus addressing systemic misclassification.

In relation to Article 10.2: We agree with the Office's proposal in **paragraph 61**. We believe that this article is redundant, and therefore article **10.2** can be removed. If workers are properly classified, there is no interference with true civil and commercial relationships. The future Convention does not need to reiterate protections for "true" commercial relationships; instead it should focus on clarifying criteria to prevent misclassification.

In this regard, we suggest replacing this paragraph with Article 9 of the draft Recommendation, with the following additional text (underlined):

"Members should review at appropriate intervals, and, if necessary, clarify and adapt the scope of relevant laws and regulations, in order to ensure the correct classification of digital platform workers in respect of the existence of an employment relationship. To this end, Members should require that national labour administrations and their associated services regularly monitor their enforcement programmes and processes."

Explanation: Moving this paragraph to the Convention will reinforce its importance in the context of changes in the world of work, including digitalization. It would also emphasise the need to review policy and relevant laws continually in order to combat the systemic misclassification that affects millions of platform workers.

VIII. Remuneration

Article 11 – comments

SAK, Akava and STTK comments:

1. In relation to **paragraph 62**: We can agree with the inclusion of "remuneration or payment" as explained by the Office, but we believe the words "and total compensation and working time " should also be added to the title.

As per the Office's commentary on **paragraph 33,** remuneration captures "wages" for platform workers in an employment relationship and "payments" for the personal labour component of a worker not in an employment relationship.

We suggest adding "and total compensation" to the title, as it must refer to the significant costs and expenses incurred by platform workers in carrying out their work (fuel, insurance, work tools, etc). While it is correct that compensation to cover these payments is critical for platform workers to make a living, such payments under the definition will not be part of the "labour income" component of the "total" payment due to workers. This must therefore be recognised in this section.

2. We also suggest adding "and working time" to the title. In this regard, we propose adding a new sub-point in Article 11(a): **"inclusive of periods of time digital platform workers are at the disposal of the digital labour platform."** The reality for platform

workers is that they are at the disposal of the digital labour platform from the moment they log on; perform assignments; prepare for or travel to and from location(s); wait for work; and remain ready to accept tasks immediately.

3. We cannot agree with the Office's proposal in **paragraph 65(a)** to remove the reference to "including when calculated on a piece rate basis".

4. As per the Office's explanation in **paragraph 16** and **paragraph 66,** we believe that adding terms "according to the nature of work arrangements and the classification of digital platform workers status in employment" opens the door to exclusions that go beyond the classification of employment status (such as where work is performed how it is remunerated, or executed, etc.). While we understand and agree on the need to find language that, as stated in paragraph 66, provides flexibility to Members in ensuring adequate remuneration, we believe the proposed wording creates confusion rather than flexibility. Therefore, we cannot agree with the proposal to add, after the word "adequate", the phrase "according to the nature of work arrangements and the classification of digital platform workers' status in employment."

5. We agree with the Office's proposal to replace "national law, regulations" with "national laws and regulations" in **paragraph 36.**

6. In relation to Article 11(b), we suggest deleting "or, to the extent authorized by national laws, regulations, or collective agreements, in kind.' Income in kind carries significant risks of abuse and therefore requires strong safeguards. In particular, given that there is ample evidence that digital platform workers often earn less than the minimum wage, reducing monetary wages or payments through income in kind would likely force these workers to work longer hours to cover basic necessities. We recall that tripartite constituents recently agreed on an ILO framework on living wages, in response to the ILO's Constitutional mandate to ensure: "policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection."

7. As per the Office' commentary on **paragraph 130** we strongly suggest repositioning the new paragraph with our proposed amendment as Article **11(d),** to read as follows: "Members should take measures to ensure that, in addition to their remuneration or payment, they are fully compensated for expenses or other costs incurred in the performance of their work."

As explained above, we do not agree with the Office's proposal in paragraph 16. Accordingly, we cannot accept the inclusion of any qualifier relating to the "nature of work arrangements and the classification of digital platform workers' status in employment."

Article 12 – comments

SAK, Akava and STTK comments: We cannot agree with the Office's proposal in **paragraph 70** to consolidate Article 12 of the draft Convention with Paragraph 13 of the draft Recommendation.

This is firstly because, in platform work, where earnings are often low and unstable, even small deductions can significantly affect a worker's ability to meet basic needs Deductions for vague reasons (e.g., low customer ratings) can push earnings below minimum wage levels. These deductions must be regulated in order to protect workers from arbitrary and unfair deductions, which would, in effect, amount to an unjust decrease in their remuneration. This prevents digital labour platforms from unilaterally making deductions that could reduce wages or payments below a living standard or unfairly penalise digital platform workers. It also helps to prevent deductions made for improper purposes, by algorithms, or that are disproportionate to the reason given.

In this regard, we believe that Article 12 should remain as it is.

Secondly, regarding the provision in paragraph 13 of the draft Recommendation on fees and costs, we believe that this provision should be repositioned under Article 12 of the draft Convention.

According to the majority of ILO reports, workers across all sectors pay part of their earnings as commissions or fees, ranging between 5 per cent to 40 per cent depending on the platform and the sector. Allowing digital labour platforms to charge such fees or costs opens the door to abusive practices, which can lead to workers being trapped in debt, and even in situations of forced labour. This principle is already reflected in other ILO Conventions, such as ILO Convention No. 181, which provides in Article 7 that private employment agencies shall not charge, directly or indirectly, in whole or in part, any fees or costs to workers. It should be recalled that labour is not a commodity. Workers should not be charged by any entity with the ability to move them from one employer or client to another, as creates a strong incentive to encourage labour turnover and commodify workers. A principles-based Convention should therefore ensure the prohibition of commissions and fees.

Finally, as per **paragraph 71,** we can agree with the inclusion of digital platform workers' remuneration or payment.

Article 13 – comments

SAK, Akava and STTK comments: We cannot agree with the Office's proposal in **paragraph 73** to consolidate Article 13 with Article 21 of the draft Convention.

Firstly, we disagree with the Office's view that the two provisions are duplicative. Article 13 is designed to guarantee platform workers their basic right to know, on a regular basis, how much they will be paid for work. Around the world, millions of platform workers begin their tasks each day without knowing one fundamental thing: how much they will actually earn.

In many cases, workers are shown an estimate – an approximate figure that may appear fair at first – but by the time the task is completed, the amount received is far less than expected. Why? Because platforms frequently make deductions or apply hidden charges, often without any clear explanation or prior notice.

Secondly, we support Article 21 as it stands, with a further explanation provided under that specific section.

IX. Social security

Article 14 – comments

SAK, Akava and STTK comments: We have no suggestions for changes at this point on the bracketed text in Article 14.

In a traditional business model, companies are legally required to contribute to social protection for their workers – such as health insurance, pensions, unemployment benefits, maternity protections, and sick leave. These contributions are not optional; they are part of the social contract, ensuring workers are protected during life's inevitable downturns and transitions.

Many digital platforms – particularly those engaging genuinely self-employed workers – do not contribute to social protection schemes for the workers who generate their value. They shift the risks and costs of illness, injury, unemployment, and retirement onto the individuals, while externalising broader costs to society. And that creates a significant competitive imbalance.

Indeed, traditional companies, that comply with national labour and social protection laws, are placed at a disadvantage. They must compete with platforms that operate on a leaner cost structure precisely because they do not bear the same legal and financial obligations toward their workers.

Many ILO reports demonstrate that platform workers can be effectively brought under the umbrella of social security regardless of their employment relationship. This is essential not only to guarantee adequate social security coverage for platform workers, but also to ensure fair competition for enterprises. What is clearly required is to extend social security to platform workers by adapting existing policy, legal, and administrative frameworks, including both contributory and non-contributory mechanisms, in line with the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Social Protection Floors Recommendation, 2012 (No. 202), and other relevant standards.

X. Impact of the use of automated systems

Article 15 – comments

SAK, Akava and STTK comments: We strongly agree with the text as adopted at the ILC 2025.

Article 16 – comments

SAK, Akava and STTK comments: We propose a change to the bracketed text in Article 16. We suggest adding, before point (a) the following phrase: “frustrate the exercise of the right to freedom of association, and to bargain collectively.”

The article would then read as follows:

“Each Member should require digital labour platforms to ensure that their use of the automated systems referred to in point 15 does not infringe on fundamental principles and rights at work. In particular, such use should not:

NEW: frustrate the exercise of the right to freedom of association, and to bargain collectively.”

Explanation: One of the most serious – and often overlooked – risks of automated systems is their potential impact on freedom of association, especially the right of workers to organise.

Automated systems, particularly those designed for risk prediction and workforce surveillance, are increasingly being used to monitor worker behaviour, predict union activity, and even discourage collective action. In some cases, these systems are programmed to detect signs of organising – such as increased communication among workers or the use of certain keywords – and then trigger management responses aimed at deterring union activity. The use of technology to predict, monitor, or intervene in the lawful exercise of workers' rights – particularly the right to organise – undermines fundamental freedoms and violates core ILO principles.

We agree with the Office’s proposal in **paragraph 79.**

Article 17 – comments

SAK, Akava and STTK

comments:

1) In relation to the current Article 17, we suggest adding in point (a) a requirement for a written explanation for any decision that impacts or violates fundamental principles and rights at work.

This should read as follows:

17(a) “a written explanation for any decision that impacts their fundamental rights, their working conditions or access to work;”

2) In relation to article 17 (b), we agree with the Office’s explanation in **paragraph 81** to replace “human review” with “review conducted by a human being”. We also suggest adding that the review should cover any decision that impacts ratified International Labour Standards or fundamental principles and rights at work.

3) We strongly suggest adding a new point (c) to read as follows

“a right to appeal such decisions, receive a substantiated reply, and to obtain an effective remedy, as appropriate.”

4) In relation to the Office’s comments on **paragraph 82,** we agree with the proposal to change the word ”payment” to ”disbursement”.

We also propose to add two further articles after article 17

New: “Each Member should require digital labour platforms to consult the representatives of digital platform workers or representative workers’ organizations about the items enumerated in point 15 (a) and (b), with a view to concluding collective agreements. Such representatives may be assisted by a technical expert of their choice insofar as this is necessary for them to examine the matters under consultation.”

We also propose moving paragraph 21 of the draft Recommendation to the draft Convention as a new paragraph after Article 17, with the following addition (underlined below):

“Digital labour platforms “shall notify to the public authorities of the same conditions set out in point 15. The competent authority should have the power to authorize the introduction and use of automated systems by a digital labour platform, unless the impact of such use on the working conditions of digital platform workers or their access to work is covered by a collective agreement.

We suggest adding the following language to the end of this paragraph: “ Such competent authority should have access to the source code of the digital labour platform.”

Explanation: Notification of public authorities cannot be optional. Automated decision-making is a central part of the operational model of digital labour platforms, but it is also a major source of risk to workers, including inappropriate deactivation or suspension of access to work and OSH risks. Public authorities with expertise in oversight of automated systems and data processing must be mandatorily involved in order to reduce these risks.

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

Article 18 – comments

SAK, Akava and STTK comments: We propose changes to the bracketed text in Article 18, which should read as follows:

“Each Member should establish effective and appropriate safeguards concerning the collection, storage, processing, use and communication of digital platform workers’ personal data, including through automated systems in accordance with relevant international instruments in order to protect the dignity and privacy of

digital platform workers.”

Explanation: The appropriation of data through automated systems is central to the platform business model and affects all types of platform work. The scale and sensitivity of data collected about workers create significant privacy risks. Additionally, monitoring of conversations with workers’ representatives should be prohibited under all circumstances.

Article 19 – comments

SAK, Akava and STTK comments: We cannot agree with the Office’s proposal in **paragraph 87** to move points (a) to (d). As explained in the general comments, a “less detailed Convention” must still address the specific challenges that platform workers face. Technological developments enable the capture and exploitation of workers’ data. This occurs not only in platform work, but it is inherent to this type of work, since platforms are essentially fuelled by data. It is imperative that the processing of such personal data must not have the effect of unlawfully discriminating against digital platform workers in employment or occupation.

XII. Suspension or deactivation of account and termination of employment or engagement

Article 20 – comments

SAK, Akava and STTK comments: We propose a change at this point on the bracketed text in Article 20 by adding the word “**restriction**” before **“deactivation or suspension**”. Hence, the article will read as follows:

“Each Member should take measures to prohibit the restriction, suspension or deactivation of a digital platform worker’s account, or the termination of their employment or engagement with a digital labour platform, when it is based on discriminatory or otherwise unjustified grounds”.

Explanation: This addition is crucial because account restrictions can have impacts as severe as outright suspension or deactivation. Platforms often use partial restrictions – such as limiting job visibility, reducing search rankings, or disabling key features like client messaging – as a form of opaque punishment or algorithmic penalty. These practices can significantly reduce a worker’s income and opportunities without formal notice, justification, or appeal, creating uncertainty and stress.

Moreover, restrictions are frequently imposed without transparency, denying worker the’ ability to understand or contest the decisions.

XIII. Terms and conditions of employment or engagement

Article 21 – comments

SAK, Akava and STTK comments: For the same reasons explained under Article 13 we do not agree with the Office’s proposal in **paragraph 73** and **90,** which could mean consolidating Article 13 with Article 21.

We also suggest adding to the following language to the current text of Article 21

"Including the matters referred to in Article 15, and on their first day of employment or engagement and any subsequent time at the digital platform worker's request."

The paragraph would then read as follows:

"Each Member should take measures to ensure that digital platform workers are informed of the terms and conditions of their employment or engagement, including the matters referred to in Article 15, in an appropriate, verifiable and easily understandable manner, through written contracts, on their first day of employment or engagement and any subsequent time at the digital platform worker's request."

Explanation: As part of their terms and conditions of employment or engagement, platform workers must receive detailed information about the use of automated systems. The right to be informed about automated decision-making processes is closely related to the principle of transparency and is essential to enable workers to understand how automated systems affect their employment or engagement.

Article 22 – comments

SAK, Akava and STTK comments: We propose a change to the bracketed text in Article 22 by adding the term "and collective agreements" so that it reads as follows:

"The terms and conditions of employment or engagement of digital platform workers shall be governed by the laws and regulations and collective agreements of the country where the work is performed, unless otherwise provided for in relevant international instruments or multilateral or bilateral agreements."

XIV. Protection of migrants and refugees

Article 23 – comments

SAK, Akava and STTK comments: We agree with the Office's proposal in **paragraph 94** to add the term "or engagement". We would also like to suggest adding at the end of the article:

"Members should also ensure that refugees and migrant workers, regardless of status, have the right to report violations and seek adequate remedies without fear of intimidation or retaliation."

XV. Dispute resolution and remedies

Article 24 – comments

SAK, Akava and STTK Comments: We propose a change to the bracketed text in Article 24 by adding at the end:

"Digital platform workers should have the right to be accompanied, supported and

represented by their representatives in such dispute resolution mechani sms, as appropriate, in accordance with relevant national laws, regulations and c ollective agreements".

XVI. Compliance and enforcement

Article 25 – comments

SAK, Akava and STTK Comments: We agree with the Office's proposal in paragraph 96

XVII. No less favourable treatment

Article 26 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text in Article 26.

XVIII. Implementation

Article 27 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text in Article 27.

Article 28 – comments

SAK, Akava and STTK comments: We propose a change to the bracketed text in Article 28 by adding "including, where appropriate, through joint and several liability," so that the provision would read as follows:

"Where the use of intermediaries is permitted, Members should determine and allocate the respective responsibilities of digital labour platforms and intermediaries to ensure compliance with the provisions of the Convention, including, where appropriate, through joint and several liability."

Article 29 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text in Article 29.

Article 30 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text in Article 30.

XIX. Normative language

Article 31 – comments

SAK, Akava and STTK comments: We agree with the Office's proposal in paragraph 99

V. Comments on the draft Recommendation

Constituents are invited to provide any comments on, or suggested amendments to, the paragraphs of the draft Recommendation in the boxes below. Constituents are

also invited to express their views on the Office's commentary and questions relating to each paragraph.

Please refer to the draft text on page 38 of Report V(3)

Preamble

Paragraph 1 – comments

SAK, Akava and STTK Comments: We agree with the Office's proposal in paragraph 101.

I. Freedom of association, social dialogue and the role of employers' and workers' organisations

SAK, Akava and STTK general comment: We suggest adding an explicit reference to collective bargaining in the introductory paragraph, for consistency, as the section as a whole refers to both fundamental rights: freedom of association and collective bargaining.

Paragraph 2 – comments

SAK, Akava and STTK comments: As explained under Article 3 of the draft Convention, we strongly suggest that this paragraph be repositioned and replaced with the current Article 3.2.

Paragraph 3 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text.

Paragraph 4 – comments

SAK, Akava and STTK comments: We agree with the Office's proposal in paragraph 106.

Paragraph 5 – comments

SAK, Akava and STTK comments: We have no suggestions for change at this point on the bracketed text. However, we propose adding the following paragraph:

"Members should take measures to ensure that digital labour platforms establish private and secure communication channels, by means of the digital labour platforms' digital infrastructure or by similarly effective means, to enable digital platform workers to contact each other and be contacted by their representatives or workers' organisations."

Explanation: Digital platform work is often isolated and decentralised. A secure channel is essential to create the conditions for worker solidarity and representation. Communication must be private and secure to protect workers from surveillance or retaliation by platforms. In the absence of regulation, workers risk being penalised or deactivated for organising.

II. Occupational safety and health

Paragraph 6 – comments

SAK, Akava and STTK comments: As explained under Article 4, **paragraph 45-50**, we do not agree that Article 4.2 should be moved to the draft Recommendation.

We also suggest that paragraph 6 of the draft Recommendation be moved to the draft Convention. Although we take note of the Office's commentary in **paragraph 110,** we believe that this provision, as it addresses specific challenges for some platform workers, must be included in the draft Convention. The link between health and access to safe water, sanitation, and hygiene is well documented.

We also propose adding the reference to "rest facilities," given that digital platform workers often have variable workplaces (particularly those who are in location-based platform work) and have frequently lack access to sanitary and rest facilities and clean drinking water, leading to serious health issues. The inclusion of rest facilities ensures platform workers can rest safely, which can help reduce traffic accidents and fatalities.

As explained under the OSH section in the draft Convention, we cannot agree with the Office's proposal in **paragraph 112.**

III. Employment promotion

Paragraph 7 – comments

SAK, Akava and STTK comments: As explained under Article 9, we suggest removing this section both from the draft Convention and the draft Recommendation.

Paragraph 8 – comments

SAK, Akava and STTK comments: As explained under Article 9, we suggest removing this section both from the draft Convention and the draft Recommendation.

IV. Employment relationship

Paragraph 9 – comments

SAK, Akava and STTK comments: As explained under Article 10, we suggest that paragraph 9 of the draft Recommendation be repositioned in the draft Convention as article 10.2.

V. Remuneration and working time

Paragraph 10 – comments

SAK, Akava and STTK comments: We agree with the Office's proposal for paragraph **116** regarding the title. For consistency, we also agree with the Office's proposal on paragraph **118.**

Paragraph 11 – comments

SAK, Akava and STTK comments: We agree with the proposal in **paragraphs 119 and 120.** However, we also suggest adding the following two provisions:

New: "Members should establish mechanisms to ensure predictable and timely cost recovery of expenses or other costs incurred by digital platform workers in the performance of their work, including fixed and variable costs."

NEW: "Members should develop machinery for the appropriate compensation of digital platform workers in case of the sale or use of the data they generate in the

performance of their work for digital labour platforms. All such compensation is over and above remuneration paid for the service provided to the digital labour platform."

Paragraph 12 – comments

SAK, Akava and STTK comments: We suggest that paragraph 12 from the draft Recommendation be repositioned in the draft Convention under the Remuneration section.

Paragraph 13 – comments

SAK, Akava and STTK comments: As explained under the Remuneration section of the draft Convention, we cannot agree with the Office's commentary and proposal from **paragraph 123.** We reiterate the arguments made above: Article 12 of the draft Convention should remain in that section and that paragraph 13 of the draft Recommendation should be moved under Article 12 of the Draft Convention.

Paragraph 14 – comments

SAK, Akava and STTK comments: We agree on the merger proposal explained in **paragraph 129,** but it should be moved to the draft Convention. For the reasons explained under Article 11, we cannot agree with the inclusion of the phrase "according to the nature of their work arrangements and the classification of digital platform workers' status in employment."

Paragraph 15 – comments

SAK, Akava and STTK comments: We thank the Office for its explanation in **paragraph 130.** As explained under the Remuneration section of the draft Convention, we consider this paragraph crucial and recommend it be moved to the draft Convention under the Remuneration section.

Paragraph 16 – comments

SAK, Akava and STTK comments: We cannot agree with the Office's proposal on **paragraph 132,** as we do not agree that only platform workers in an employment relationship have the right to disconnect. These rights should be granted to all platform workers.

VI. Social security

Paragraph 17 – comments

SAK, Akava and STTK comments: We cannot agree with the Office's proposal in **paragraph 134,** as these rights should be granted to all platform workers, irrespective of their employment status or work arrangement.

Paragraph 18 – comments

SAK, Akava and STTK comments: We have no suggestions at this point on the bracketed text in paragraph 18 of the draft Recommendation.

Paragraph 19 – comments

SAK, Akava and STTK comments: We believe that this paragraph is relevant, so we cannot agree with the proposal to remove it.

Paragraph 20 – comments

SAK, Akava and STTK comments: We believe that this paragraph is relevant, and we do not agree with the proposal to remove it as suggested by the Office in **paragraph 140.**

VII. Impact of the use of automated systems

Paragraph 21 – comments

SAK, Akava and STTK comments: First, as explained in the general comments and for consistency, we suggest that sections VI and VII be repositioned to the beginning of the draft Recommendation. Second, in relation to paragraph 21, as we previously noted in our comments, this paragraph should be reflected in the draft Convention.

Paragraph 22 – comments

SAK, Akava and STTK comments: We propose adding to the bracketed text the following sentence:

"Where such impact assessments find significant risks to the exercise of fundamental principles and rights at work, the digital labour platform should immediately cease the use of its automated systems until corrective measures are put in place. Monitoring and evaluation reports should be communicated to the competent authority."

Paragraph 23 – comments

SAK, Akava and STTK comments: We propose adding the following elements to the bracketed text, in addition to the main parameters mentioned in point (a):

- **the data and aspects of work monitored or evaluated by such systems, including performance ratings and reviews; and**
- **the categories of and grounds for decisions taken or supported by such systems.**

Paragraph 24 – comments

SAK, Akava and STTK comments: We propose adding to the bracketed text the following text:

"Digital labour platforms should be encouraged to provide digital platform workers and their representatives with access to a contact person for the purposes of information, consultation, and negotiation set out in the Convention."

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

Paragraph 25 – comments

SAK, Akava and STTK Comments: We agree with the Office's proposal in paragraph **143** and remove paragraph 25 of the draft Recommendation.

Paragraph 26 – comments

SAK, Akava and STTK comments: We propose adding to the bracketed text the following sentence:

"Members should encourage digital labour platforms to provide digital platform workers with tools to facilitate effective and free data portability in order to exercise their rights under the Convention."

IX. Terms and conditions of employment or engagement

Paragraph 27 – comments

SAK, Akava and STTK comments: We have no suggestions at this point on bracketed text in paragraph 27.

X. Protection of migrants and refugees

Paragraph 28 – comments

SAK, Akava and STTK comments: We do not agree with the Office's commentary on point 147, and therefore do not agree to remove this paragraph from the draft Recommendation. In relation to paragraph 148, we agree with the inclusion of the word "engage "for the reason expressed by the Office.

XI. Dispute resolution and remedies

Paragraph 29 – comments

SAK, Akava and STTK comments: We have no suggestions at this point on the bracketed text in paragraph 29.

Paragraph 30 – comments

SAK, Akava and STTK comments: We agree with the current text in paragraph 30. However, we also suggest adding the following as a new paragraph:

"Members should take measures to facilitate access to remedy for digital platform workers, including through judicial mechanisms and labour inspectorates, as appropriate. In order to remove any legal, administrative, or other obstacles to an effective judicial remedy, Members should consider shifting the burden of proof to digital labour platforms, including in cases concerning the employment status of digital platform workers and the introduction or use of automated systems contrary to the Convention."

XII. Compliance and enforcement

Paragraph 31 – comments

SAK, Akava and STTK comments: We do not agree that this paragraph should be removed from the draft Recommendation.

Paragraph 32 – comments

SAK, Akava and STTK comments: We do not agree that this paragraph should be removed from the Recommendation.

Paragraph 33 – comments

SAK, Akava and STTK comments: We agree with the current text in paragraph 33.

XIII. Implementation

Paragraph 34 – comments

SAK, Akava and STTK comments: We agree with the Office's proposal to consolidate this section in one article, as explained in paragraph 159.

Paragraph 35 – comments

SAK, Akava and STTK comments: We agree with the current text in paragraph 35.

More information

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