

The fight for a new labour standard to regulate platform work

The ILO has been examining a bundle of rights relating to workers in the platform economy, including privacy and data protection, the digital transformation of work, and access to trade union rights

In June 2025, the International Labour Conference (ILC) of the International Labour Organisation (ILO), the so-called ‘World Parliament of Labour’, will hold the first of two discussions on a new international labour standard to regulate the platform economy. The importance of this discussion cannot be overstated – its success will speak volumes for the prospects of decent work for platform workers around the globe and the continuing relevance of the ILO. However, as with any discussion at the ILO that has the potential to make a difference, its inclusion on the Organisation’s agenda is rife with conflict. This conflict is set to extend into the 2025 ILC, potentially leading to one of the most fractious discussions the ILO has seen in some time. While elevating an item onto the agenda of the ILC is a feat in itself, there should be no doubt that the road to a new labour standard for platform workers is paved with uncertainty.

Origins and evolution

The discussion’s origins go back to an ILC decision in 2018 to “continue research regarding the access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers and, on that basis ... [for the] Governing Body to decide whether convening a tripartite meeting would be appropriate or not”¹. While the ILO has long recognised that guaranteeing labour protection to all workers, regardless of their employment status, is essential, platform work has only recently been addressed directly. For example, in light of the rise of the gig economy and increasingly fissured workplaces, the concept of a ‘universal labour guarantee’ was put forward at the ILO’s centenary in 2019. The idea of the guarantee would set minimum standards that apply to all workers, including creating an “international governance system for digital labour platforms”². Whilst the employers felt the universal guarantee was “utopian and makes no sense”³ there was agreement in the final Declaration to put in practice “policies and measures that ensure appropriate privacy and personal data protection, and respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work”⁴. The ILO’s 2019 Centenary Declaration for the Future of Work has set the foundation for the forthcoming discussion six years later.

Shortly after the Declaration was adopted, it was agreed to hold a meeting on the platform economy, with the possibility of standard-setting to follow⁵. In

October 2022, a group of 24 experts representing the tripartite constituents met to debate a wide range of points for discussion on platform work. These ranged from classification status to working conditions, challenges to freedom of association, and collective bargaining. The ILO report stressed that “online platform workers today have fewer instruments to protect them [...] and consideration might therefore be given to whether this objective could be resolved through international intervention”⁶. That is, an international labour standard. Employers were well represented at the meeting, with Uber, Walmart, Adecco, and the World Employment Confederation all in attendance and were led by a lawyer from a law firm with a record of advising companies “to ‘push back’ against ‘pro-labour’ legislation before their employees start unionising their workplaces”⁷.

Similar to other discussions at the ILO⁸, the employers argued that more research was needed before standard-setting on platform work could occur. The employers were firm in dismissing the debate: “We do not believe the solution can be found in applying generic global standards ... No one-size-fits-all ‘quick fix’ exists”⁹. It is indeed the case that several existing international labour standards were relevant to advancing decent work on location-based and web-based platforms, but they did not adequately cover other aspects specific to platforms, including algorithmic management and the protection of workers’ data. Furthermore, the suggestion that ILO Conventions were a ‘one-size-fits-all approach’ is not grounded in reality, with ‘flexibility causes’ becoming more common. Perhaps sensing the weight of support behind the workers’ assertions that platform workers often experienced decent work deficits and, therefore, needed to be protected, the employers delayed the discussion before withdrawing from the meeting late on the final day. In light of the fact that government and worker experts appeared to be open to standard-setting, the employers’ behaviour was derided as only serving to block a possible consensus.

First a failure, now a future?

As with anything in the ILO, no discussion truly dies, especially those that have the potential to make meaningful changes. The overwhelming government support at the Centenary Declaration and during the October meeting left the door open for future standard setting. Perhaps serendipitously, a Governing Body meeting was planned just a few weeks later where the report would be discussed.

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The failure of the expert meeting was at the forefront of people's minds, and the workers effectively took advantage of the more diverse Governing Body to stress the importance of a future ILC discussion and, ultimately a Convention that would cover in-situ and online platform work and apply to all platform workers in the broadest sense of the term. Without a future meeting, decent work in the platform economy may have become a dead letter. After all, the ILO is a place where opportunity for free discussion and democratic decision drives all action¹⁰. All governments supported a future ILC meeting (with some hesitation from the Asia Pacific Group, ASPAG). Therefore, just a few weeks after the failed expert meeting, the ILO placed decent work in the platform economy on the agenda for the 113th Conference Session (2025).

In March 2023, the Governing Body had to decide whether the discussion would be 'general' or 'standard -setting'. As it sounds, the former is a general discussion with conclusions but would likely lead to more meetings and research (effectively more of the same). The latter is a more concrete debate, either leading to a Convention and an accompanying Recommendation or a stand-alone Recommendation. ILO Conventions are legally binding international treaties that governments may ratify (in effect, hard law), whereas Recommendations serve as non-binding guidelines (soft law).

The ILO's gap analysis between law and practice identified a number of possible normative gaps, including algorithmic management and data protection (helping counter the employer claims that more research was needed)¹¹. Employers contrariwise stressed that there were no gaps and no need for a new standard on the platform economy; therefore, a general discussion was more appropriate. Their strategy was delay – the Employers' group proposed a general discussion in 2025 to pave the way for a decision on potential standard-setting work in 2026 and 2027. The government group were divided, with some favouring a general discussion, but were open to standard-setting provided there was consensus.

The ILO's Governing Body usually makes decisions by consensus. Consensus is difficult in the ILO, not least because of the tripartite nature of deliberations but also because if there is a majority in favour, even one objection threatens progress. Consensus, the ILO argues, is characterised by the absence of any objection¹². As a result, an extraordinary vote was held on the purpose of the 2025 meeting. Decisions are rarely adopted by a vote at the Governing Body, but have seen increasing use as consensus has become the exception rather than the rule. There were 22 votes in favour of a general discussion (14 employers and 8 governments), 32 in favour of the standard-setting discussion (14 workers and 18 governments) and one abstention. The decision had been finally made to establish a labour standard for platform workers.

Breaking the deadlock

Albert Thomas, the ILO's first Director-General, argued that workers act as the engine, governments as the steering wheel, and employers as the brakes in the ILO. Historical and contemporary evidence supports this claim, not least when analysing the voting behaviour of constituents at the ILC¹³. The platform discussion mirrors other contentious deliberations in the ILO. It signals a worrying trend of employer withdrawal from constructive dialogue, with an increasing number of instances of voting when consensus was impossible.

Employers are increasingly adept at 'applying the brakes', including brinkmanship, filibustering, instigating delay, and finding many routes to break down ILO processes when the subject of debate is not in their members' interest¹⁴. Another tactic has been attacking the ILO Office and its reports and instead promoting alternative evidence. For example, their most recent 'extensive analysis of the diverse forms of platform work' is unconvincing and paints the platform economy as a utopia of freedom and flexibility for workers¹⁵. Many statements lack evidence, and those that do are selective. The bibliography includes 93 references, for example, but only 38 are cited in the report, 13 of which focus on Uber and have either been commissioned by the platform giant or otherwise written by former and / or current employees. Even those mentioned in the bibliography paint a more nuanced picture, with one study demonstrating that 55 percent of drivers earn less than the minimum wage¹⁶. This is without getting into the methodological concerns of much of the evidence base¹⁷. Therefore, it is crucial for the workers to counter-frame the employers' claims with more robust evidence that cannot be easily dismissed.

Four thousand delegates may attend the annual ILC; however, the success of the discussion will depend on just a handful of individuals. The skills and expertise of the workers group will therefore be paramount. In terms of what we know of 'what works' at the ILO, outside pressure is essential. The ILO, according to its former Director-General Juan Somavia, is "inward looking, preoccupied with procedure, relatively slow in response, and [has] a style of expression that deters all but the most enthusiastic from discovering [its] ideas"¹⁸. This 'preoccupation' does not create fertile ground for external actors in the ILO. However, recent successes such as the Domestic Workers Convention and the elevation of Occupational Safety and Health have resulted partly from organising outside the ILO. It may be the case that many groups not necessarily connected to the labour movement are unaware of the discussion taking place in 2025. Therefore, workers must build bridges with civil society organisations and others, which may not have access to the Palais des Nations, but have been instrumental in the past in putting pressure on governments and employers.

The workers' group have a likely ally in the guise of the EU with the recent adoption of the Platform

But discussion at the 2025 ILC will be fraught. Employers will argue that existing Conventions already cover all workers. The workers will argue for a Convention

This discussion will speak volumes for the prospects of decent work for platform workers around the globe, and the continuing relevance of the ILO

Work Directive. The Platform Work Directive is a valuable external frame to hammer home the discussion's importance in the context of the ILO, as the most central actor in global labour governance. Other governments that have supported standard-setting on platform work include the Group of Latin America and the Caribbean countries (GRULAC), the Industrialised and Market Economy Countries (IMEC), and a number of individual countries (Barbados, Dominican Republic, Brazil, Colombia, Pakistan, Japan, Australia, United States). Others will perhaps need more convincing, including the Africa group, ASPAG and the Association of Southeast Asian Nations (ASEAN), specifically China and India. The governments, whilst often leaving the social partners to deliberate, will be essential in tipping the balance towards a Convention especially as the decision to proceed to a vote in the Governing Body in March 2023 will likely lead to a similar situation at the ILC in 2025 and 2026.

It is unusual for a standard-setting discussion to be decided by the Governing Body to be placed onto the agenda of the ILC without any standard being adopted (either a Convention or Recommendation). It is not, however, without precedent. For example, the Convention on Homework in 1996 did not get the support of employers, who, in this case, even withdrew from the discussions on the instrument. Soon after this, a protracted attempt to produce a Convention on Contract Labour also failed in the face of employer opposition. In effect, there is nothing to stop this from repeating but considering the decision by the Governing Body, it would be wholeheartedly against the spirit of tripartism and social dialogue if a standard were not adopted. Sometimes social dialogue requires all to agree, at other times, the majority must make a decision with a view to the promotion of the common welfare¹⁹.

Is the gig finally up?

If a Convention were adopted in 2026, the standard would come into force in 2027 and, most importantly, require member states to ratify and implement it into their national law. The ILO's labour standards are often criticised for their low ratification rate; however, even without ratification, they act as discursive weapons in national collective bargaining. The argument that low ratification rates were a sign of the Organisation's irrelevance, as the employers have made, ignores their use in other agreements and as key leverage. The recent right-to-strike crisis at the ILO has shown that the perceived power of ILO standards and their interpretations by other organisations represent a real threat to employers' interests. Contrary to the employers, the lack of action on issues clearly within its mandate is a much greater risk to the ILO's relevancy than the ratification of its standards.

With the regulatory gaps identified by the ILO Office, a Maritime Labour Convention (MLC)-type standard has been highlighted as the most effective to address decent work deficits in the platform

economy, in effect reframing existing labour standards in the context of platform work and including non-mandatory content alongside legally binding aspects. However, irrespective of the legal reality of such a future instrument, the MLC owes its extraordinary success to long-term relationships built between the shipping companies and transport unions. The employers, as they come to the ILO, are not so easily receptive nor as organised.

The 2025 ILC is therefore fraught. Employers will argue that the tools at the ILO's disposal are already in effect because all Conventions cover all workers, irrespective of the ILO's history of promoting Conventions and Recommendations for specific purposes and groups of workers. The workers will argue for a Convention. Unfortunately, it may end with the middle ground of a non-binding Recommendation. While not a defeat, this would be a significant missed opportunity. What is clear is that, according to the ILO Office's extensive analysis, "normative action is ... required to close the gaps in existing international labour standards and to ensure decent work in the platform economy"²⁰. A Convention is the only way to ensure that governance gaps are bridged.

It is only the start of the fight for a new standard. Platform workers often endure poor working conditions without labour rights or social protection. The ILO has the opportunity to take a leading role in an area deeply connected to its mandate and purpose. Failure to take advantage of this due to employer opposition could mean that other international organisations would act instead, impacting the ILO's legitimacy and the ILC's status as the World Parliament of Labour.

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- 2 ILO. (2019). *Work for a brighter future – Global Commission on the Future of Work*, Geneva: ILO
- 3 Thomas, H. and Turnbull, P. (2021). 'From a 'moral commentator' to a 'determined actor'? How the International Labour Organization (ILO) orchestrates the field of international industrial relations'. *British Journal of Industrial Relations*, 59, 874–898.
- 4 ILO. (2019). *Centenary Declaration for the Future of Work*, Geneva: ILO.
- 5 ILO. (2021). *Agenda of the International Labour Conference*. GB.341/INS/3/1 (Rev.2)
- 6 ILO. (2022). *Decent work in the platform economy*, Geneva: ILO
- 7 Go to: <https://pressprogress.ca/big-business-lawyer-warns-anti-union-conference-that-the-bc-liberals-are-losing-the-war-on-workers/>
- 8 Thomas, H. and Anner, M. (2023). 'Dissensus and Deadlock in the Evolution of Labour Governance: Global Supply Chains and the International Labour Organization (ILO)'. *Journal of Business Ethics*, 33–49.
- 9 IOE and IMEC (2022). *Diverse forms of work in the platform economy*, Geneva: IOE.
- 10 See ILO Constitution.
- 11 ILO. (2023). *A normative gap analysis on decent work in the platform economy*, Geneva: ILO.
- 12 Standing Orders of the ILO Governing Body.

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...continued from Page 19... Gabriel Attal championed these efforts, which remain politically relevant.

In Norway, the Netherlands and Sweden, employers and unions have increased their cooperation efforts to transition to daytime cleaning through social dialogue activities and collective bargaining. In Norway, employers and unions have successfully negotiated to raise the cost of night work, disincentivising the uptake of this type of work. The recently renewed collective agreement in the Netherlands also features strong language on daytime cleaning and includes a commitment from both parties that they will engage in a joint campaign on daytime cleaning.

Shop stewards in Sweden frequently use the collective agreement's appendix on daytime cleaning when addressing scheduling challenges, especially to prevent split shifts, with reported success. This goes hand in hand with a large-scale information campaign to inform clients. Additionally, Sweden's National Agency for Public Procurement has incorporated elements of the joint UNI-EFCI statement and guidelines on social responsibility into its recommendations, promoting fairer practices in public procurement. These initiatives showcase the potential of daytime cleaning to enhance worker well-being and service quality.

A Global Call to Action

Public procurement policies offer a powerful lever for change. UNI Europa and EFCI have called on the European Union to adopt daytime cleaning in its institutions, setting an example for other sectors. This call has been supported by politicians across the political aisle. In 2023 and 2024, cleaners and unions demonstrated outside the European Parliament, demanding an end to the 'race to the bottom' in cleaning services.

The campaign for daytime cleaning is gaining momentum globally as well. UNI Global Union's Property Services Conference in Galway, Ireland, endorsed a global campaign for daytime cleaning, sending a strong signal about the need for systemic change in the cleaning sector.

As Oliver Roethig of UNI Europa puts it: "Daytime cleaning represents a triple-win. Workers are no longer isolated and invisible; companies can attract and retain workers; and clients can make an easy contribution to sustainability and decent work. The time for this shift is now".

By promoting the visibility for cleaners, daytime cleaning has the potential to transform the lives of millions of workers. It is a fight not just for fair working conditions but for the recognition and respect that cleaners deserve.

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- 13 Thomas, H. and Silva, V. (2024). 'Maintaining legitimacy in global labour governance: Legitimation politics at the International Labour Organization (ILO)'. Working paper (available upon request).
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- 15 See note 9.
- 16 Fanggidea, V., Sagala, M. P., and Ningrum, D. R. (2016). On-demand transport workers in Indonesia Towards understanding

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- 17 Berg, J. and Johnston, H. (2019). 'Too Good to Be True? A Comment on Hall and Krueger's Analysis of the Labor Market for Uber's Driver-Partners'. *ILR Review*, 72, 39–68.
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- 19 See ILO Constitution.
- 20 ILO. (2024). *Realizing decent work in the platform economy*. Geneva: ILO.



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