Fairwork

WHEN AI EATS THE MANAGER

Fairwork United States Ratings 2025

CONTENTS

EDITORIAL

When AI Eats the Manager

Algorithmic management is fundamental to digital labour platforms and platform work across the globe. AI-powered tools for hiring, scheduling, paying, managing, and surveilling work and workers are the heart of the on-demand service industry.

For healthcare workers, an algorithmic scheduling software programme approves a worker for a shift, notifies both the medical facility and the worker, allows the worker to clock in and out, and, finally, sends a pay check. For elderly care workers, the automated programmes embedded in an app process requisite documents, reschedule shifts, monitor a worker's GPS location (and push notifications to workers if they are too far from their next client to be on-time for a shift), and prompt workers to conduct wellness surveys with clients and record their answers. For ride-hail and delivery workers, the AI-generated chatbot stands in for most forms of human management. Workers contest pay discrepancies through the chatbot, cancel shifts, report problems with unexpected delays or restaurant closures, request support in cases of emergencies, and more.

Some of the labour platforms in this study still have email addresses and phone numbers that workers can use while on the job. Others have eliminated those options, stranding the worker in an already isolated workplace. For workers without access to a phone number or email address, some worry that if they lose access to their app – if, for instance, they are fired or deactivated – they would have no way to contact the company. One Clipboard Health worker in Oregon described the management situation like this: "It sucks that there's nobody that you can get a hold of immediately."

The new algorithmic management technologies have direct implications for operational cost-cutting, efficiency metrics across the supply chains, and measurable KPIs (key performance indicators). This hyper-quantification of work can expedite decision-making, scaling, and meeting the performance indicators set by investors and funders. However, the implications for work that has been re-structured and re-imagined through these technologies are far reaching for workers, consumers, and societies. Automated technologies are displacing traditional management relationships, transparency, and accountability in the workplace. The data that platform workers produce may shape how platform companies set prices, manage workers, create personalised pay structures, and even offset financial liabilities.[1] Indeed, one company named Argyle has amassed the employment records of 40 million platform workers in the US, and sells this data as its primary source of profits.[2] The reality of working with AI is different from the promises associated with it. AI is, to put it descriptively, eating the managers.

This Fairwork 2025 US Report documents this process as well as how platform companies and their AI-powered technologies have gained a foothold in previously unthinkable sectors, such as healthcare. On-demand nursing companies are eroding the basic tenets of patient care and social protections in a professionalised sector, with the promise of flexibility and higher pay. The report

brings together well-known platforms and emerging on-demand labour firms to provide a snapshot of the working conditions for platform workers in the US. For 11 platforms in ride-hailing, food delivery, elder care, and healthcare, Fairwork considers how new management technologies replace, if at all, management roles formerly occupied by humans, even in sectors where human supervision is crucial for preventing harms and for creating safe environments for both workers and consumers/clients.[3] While managers might be sidelined in the platform economy, new institutions have joined the scene. This report highlights some of the new relationships undertaken by US platforms as well as the intensifying efforts of those same platforms to exempt themselves from existing governmental oversight and labour regulations.

AUTOMATED TECHNOLOGIES ARE DISPLACING TRADITIONAL MANAGEMENT RELATIONSHIPS, TRANSPARENCY, AND ACCOUNTABILITY IN THE WORKPLACE.

While Fairwork recognises that automation, AI-based tools, and algorithmic management systems can introduce efficiencies to the work process, the immediate and long-term consequences of these technologies on workers must be made visible and, if necessary, mediated. Rigid communication systems that are impossible to alter in times of emergency, chatbot-based scheduling systems that are not able to respond to unique queries, and digital interfaces that do not allow for unexpected scenarios hurt workers. These tools that double as surveillance mechanisms also limit possibilities of collective action and whistleblowing against companies when things go wrong.

For this report, Fairwork interviewed 79 workers across four sectors: ride-hailing, food delivery, elder care, and healthcare. We asked workers about the day-to-day details of their work lives. They shared with us feelings of being left to their own devices during shifts, and gamified task allocation systems which feel like a rat race. Healthcare and elderly care workers also told us about surgical centres where the conditions were too poor for any operation to safely take place, the hours they spent commuting to shifts that were cancelled just as they pulled into the parking lot, and, in one case, the house where they discovered that an elderly client, for whom they had been hired to care, was already dead.

The 2025 Fairwork US report—the second we have produced for this country—highlights the long road to fairness in the US for achieving fair working conditions for workers. The Fairwork 2023 US Report found that platform work is racialised throughout the country and across various sectors, as a by-product of (a) the technologies used to hire, manage and fire workers, and (b) the structural reasons why and how workers are drawn to and sometimes trapped in platform work. In this report, we look at how AI, algorithmic management and other technological tools and interventions are changing management relations in the platform economy, amidst the autocratic turn in the political scene. As with all Fairwork reports, working conditions are evaluated according to five principles of fair work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. The resulting Fairwork scores provide an independent analysis of working conditions on digital labour platforms that policymakers, platform companies, workers and consumers can use to inform themselves.

Fairwork US Scores 2025

		Minimum standards of fair work
CareRev	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Clipboard Health	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Doordash	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Grubhub	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Instacart	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Lyft	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Papa	1/10	● ○ ○ ○ ○ ○ ○ ○ ○ ○
ShiftMed	2/10	● ● ○ ○ ○ ○ ○ ○ ○ ○
ShiftKey	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Uber	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Ubereats	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○

MORE DETAILS ON THE SCORES ARE AVAILABLE:

WWW.FAIR.WORK/US

Key Findings

FAIR PAY

Only one platform, ShiftMed – an on-demand nursing company – ensures that its workers' gross pay is at or above the applicable minimum wage.

To evaluate whether ShiftMed or any of the other ten platforms in this study met minimum wage thresholds, Fairwork considered the amount paid to the workers for the hours they work and the costs of task-specific equipment or other work-related costs. In the US, minimum wage levels are often determined by cities or states that have higher minimum pay rates than the federal minimum wage of $7.25 per hour. ShiftMed, whose workforce primarily consists of nurses and certified nursing assistants, treats its workers as employees (also called W-2 workers) that are protected by the federal Fair Labor Standards Act (FLSA). The other 10 platforms in this study treat their workforces as independent contractors (also called 1099 workers), which means that these workers are not protected by the FLSA. For these platforms, workers are responsible for significant work-related costs and spend parts of their workdays engaged in unpaid activities, such as driving long-distances to get to a shift or waiting for a customer to receive an order.

FAIR CONDITIONS

Fairwork was unable to find sufficient evidence to award a point to any of the platforms in this study. Workers report significant task-specific risks and lack of a safety net.

Across 11 of the largest on-demand labour platforms in the US, workers reported physical assaults, verbal abuse and stressful working conditions. Fairwork finds that safety is a major issue for on-demand nursing companies, on-demand elderly care companies, on-demand delivery companies, and on-demand ride-hail companies. In healthcare, significant changes are needed to orient, train, and manage on-demand workers so that they can protect both themselves and their patients.

FAIR CONTRACTS

Two of the evaluated platforms – ShiftMed and Papa – have clear and accessible terms and conditions. But the widespread use of liability clauses on the platforms included in this year's study place nearly all the risk of negligence on workers rather than companies.

Ethical and responsible data protection measures for worker data are needed for the 11 platforms in this study, and more transparency and accountability are needed for workers to understand how their data is collected, processed and stored. Fairwork finds that class action waivers and arbitration clauses are commonly used, and they limit workers' ability to bring legal claims collectively or have their cases decided by a court of law.

FAIR MANAGEMENT

Fairwork was unable to award a score for this principle to any of the assessed platforms. We were unable to find sufficient evidence of a due process for decisions affecting workers.

Improvements are needed for workers to meaningfully appeal low ratings, report issues of non-payment, late-payment, deactivations, other penalties, and disciplinary actions. Although many of the platforms offer public statements in support of equality, diversity and non-discrimination, more evidence is needed to confirm that these policies are put in practice.

FAIR REPRESENTATION

Collective organisation and representation is a fundamental right for workers and employees. Fairwork was unable to evidence that the 11 platforms in this study assure freedom of association or expression of worker voice in line with the Fairwork Fair Representation principle thresholds.

As shown in the report, various models of contracting labour are used by digital labour platforms; these can either hinder or enable workers to act on their right to collectively organise. We were unable to evidence that the 11 platforms in this study assure freedom of association or the expression of worker voice in line with the Fairwork Fair Representation principle thresholds.

THE FAIRWORK PROJECT

Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital platforms. Our ratings are based on five principles that digital labour platforms should ensure in order to be considered to be offering basic minimum standards of fairness.

We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it can be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute, University of Oxford, and the WZB Berlin Social Science Center. Our network of researchers has rated platforms in 40 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work. In the US, this research was led by researchers at Georgetown University and University of California, Irvine.

Fairwork countries

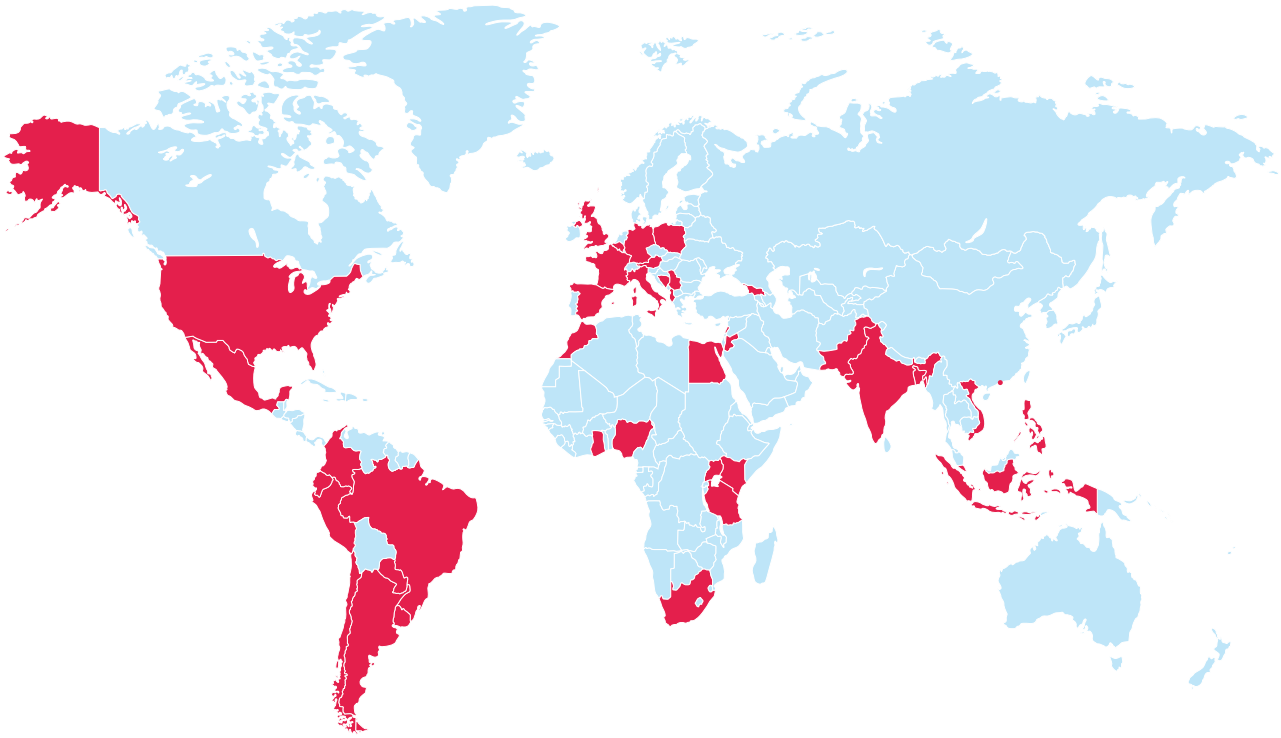


Figure 1. Map of Fairwork countries

AFRICA

Egypt, Ghana, Kenya, Morocco, Nigeria, South Africa, Tanzania, Uganda

ASIA

Bangladesh, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Thailand, Vietnam

EUROPE

Albania, Austria, Belgium, Bosnia and Herzegovina, France, Georgia, Germany, Italy, Poland, Serbia, Spain, UK

SOUTH AMERICA

Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay

NORTH AMERICA

Mexico, US

The Fairwork Framework

Fairwork evaluates the working conditions of digital labour platforms and ranks them on how well they do. To do this, we use five principles that digital labour platforms should ensure to be considered as offering 'fair work'. The five Fairwork principles were developed through a multi-stakeholder workshop at the International Labor Organization (ILO), and many more workshops in various countries. In the years since then, the principles and their operationalization have been further fine-tuned. Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms, can be found in the Appendix.

STEP 1 The Five Principles

Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. We assess earnings according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.

Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.

Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract should be free of clauses which unreasonably exclude liability on the part of the service user and/or the platform.

Fair Management

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).

Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.

STEP 2

Methodology Overview

The Fairwork project uses three approaches to measure fairness of working conditions on digital labour platforms: desk research, approaching platforms for evidence, and worker interviews. Through these three methods, we seek evidence on whether platforms operate in accordance with the five Fairwork Principles.

Desk research

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we gather and analyze a wide range of publicly available documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces. Desk research also flags any publicly available information that could assist us in scoring different platforms: for instance, the provision of particular services to workers, or the existence of past or ongoing disputes.

Once the list of platforms has been finalized, each platform is invited to participate in Fairwork's annual ranking study and provided with information about the process. This year, 11 prominent platforms operating in cities across the US were identified based on sector, size, market reach and type of contracts used by the platform.

Platform evidence

The second method involves approaching platforms for evidence. Platform management are invited to submit evidence and discuss the platform's degree of compliance with each of the Fairwork principles. Evidence may include published policies and/or standard operating procedures, public commitments, and website/app functionality. This evidence provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managements do not agree to participate in the research, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

The third method is interviewing platform workers directly. In the US, 79 workers were interviewed across 27 states and the District of Columbia (Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Washington, Wisconsin). These interviews are not a statistically representative set of experiences. Rather, they are case studies about platforms' policies and practices in the field. Through interviews, Fairwork sought to gain insight into how work is carried out, managed, and experienced. The interviews situate platform work in the careers of workers by understanding their motivation for entry into a platform, how long they envision undertaking work on the current platform before seeking an alternative either on another platform or in a different sector, and how their experience of platform work is shaped by their interaction with fellow workers and the external labour. These interviews also enable Fairwork researchers to see copies of the contracts issued to workers and to access the app interface, including payout and support screens. This method alerts the team to the presence of issues, but not the frequency or likelihood of their occurrence.

The worker interviews are semi-structured and make use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers have to be over the age of 18 and have worked with the platform for at least three months. In the US, these interviews were conducted in English and Spanish.

Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if sufficient evidence exists on each threshold.

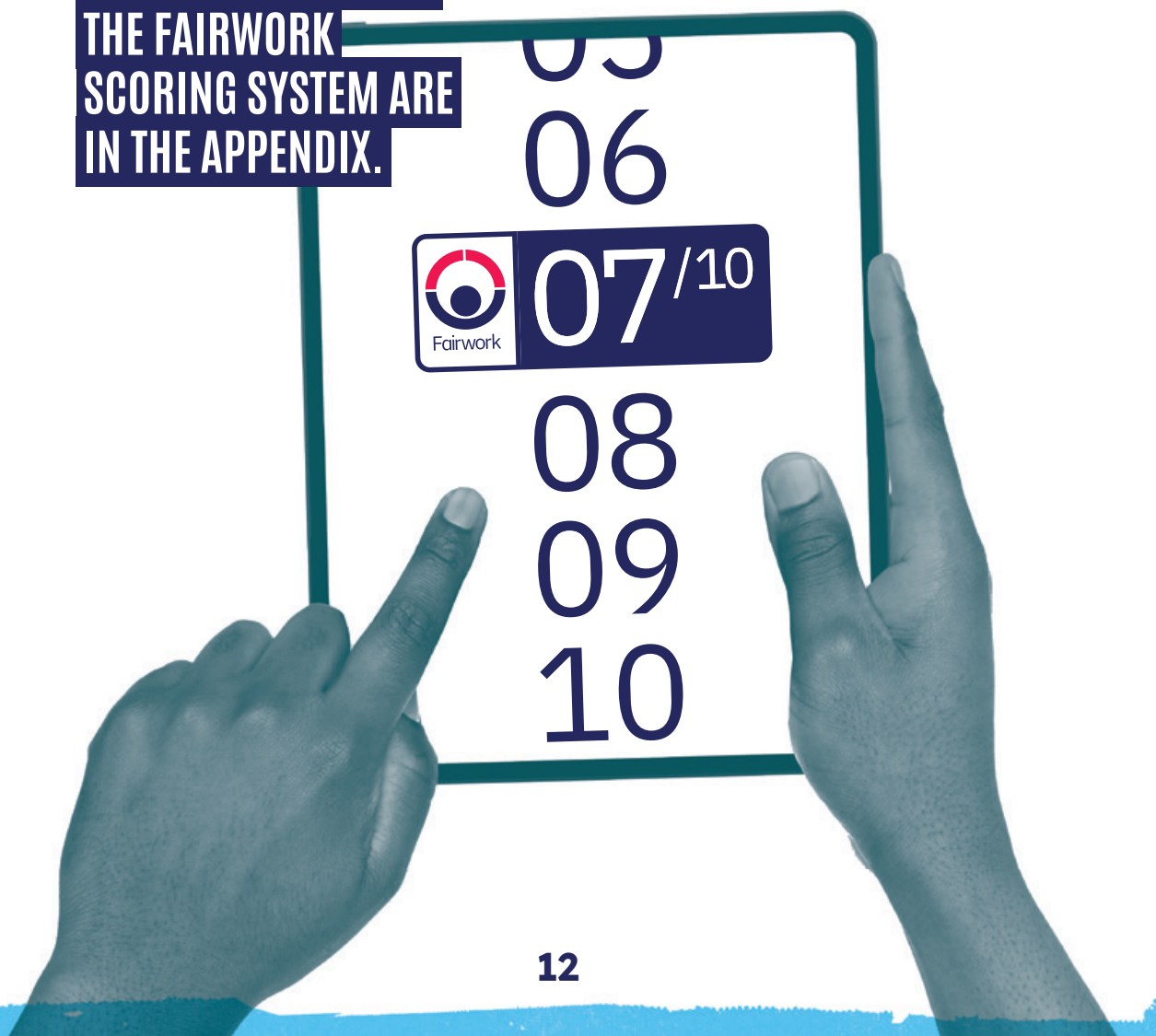
How we score

Each of the five Fairwork principles is broken down into two points: a first point, and a second point that can only be awarded if the first point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are unable to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. Platforms are given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork report.

Before the publication of this report, companies rated were given the opportunity to review and comment on the findings of this report. All responses are included in Appendix II.

FURTHER DETAILS ON THE FAIRWORK SCORING SYSTEM ARE IN THE APPENDIX.



COUNTRY CONTEXT

Digital Labour Platforms in the United States

The US is in the midst of what could be its greatest social and economic upheaval. The future of federal institutions like the Department of Labor, which oversees worker protections, is unclear at the time of writing. The Trump Administration, with unelected billionaire Elon Musk at the helm, is waging attacks on the federal workforce and government services.

Already, Amazon-owned Whole Foods is ignoring the results of a union vote at one of its Philadelphia grocery stores because, the company argues, the National Labor Relations Board may no longer has authority to certify or investigate union elections.[4] In his first month in office, Trump dismantled the Board.[5] The attempts to dismantle the federal government as well as those to implement new tariffs could undoubtedly reshape working-class life in the US and the institutions that sought to support it, however inadequately.

The impact of this autocratic turn and the resulting turmoil for the labour market is unclear. At the end of 2024, unemployment was at a near pre-pandemic rate of 4.0 percent while income inequality was trending slightly downward.[6] Still, the differences in earning capacity were stark: The top 1 percent of workers earned 12.4 percent of all wages in 2023.[7] (By contrast, in 1979 their share of all wages was 7.3 percent.) Seventy-five percent of voters in the presidential election indicated that inflation was a "hardship."[8] Large numbers of voters also expressed concern about the cost of living and felt that the economy was on the wrong track.[9] Corporate power is at an all-time high. Exorbitant pay for CEOs, the Economic Policy Institute found, contributes to the country's extremely high level of inequality.[10] In 2023 the CEOs of the country's largest firms took home 290 times as much as a typical worker. Such disparities were not the case in the mid-1990s, let alone sixty years ago when CEOs received only 21 times as much.[11] To fund this record pay, many firms have used their outsized market power to gouge customers. In 2024, grocery prices were 25 percent higher than before the pandemic and diaper prices were up 30 percent.[12] Algorithmic price-fixing in the rental market has further squeezed family budgets.

In the wake of the Great Recession of 2008 and surging socio-economic instability, more and more US workers have been taking second jobs. In 2024, the share of the US workforce with more than one job was 5.3 percent, which could be an underestimate as this percentage does not cover self-employed individuals.[13] This resurgence goes hand in hand with the rise of the platform economy. National surveys suggest that 41 million US workers – or roughly a quarter to a third of the workforce – engaged in platform work last year alone.[14] A starker finding is that nearly one in ten US workers rely on gig work as their primary source of income.[15] Among 75,000 Maryland public school teachers, roughly 44 percent reported working more than one job to make ends meet in 2023.

The impact of the platform economy's rise goes

beyond its specific workforce. Surveillance practices and algorithmically determined wages that have long characterised platform work are being exported to traditional workplaces as well as consumer marketplaces. Some companies are requiring engineers and teachers to shift to a platform-type model while e-commerce retailers are quietly collecting data on consumers to create personalised prices. A new policy framework for state legislators to address the harms of both algorithmic wages and algorithmic prices marks a significant development in the US.[17] Labour and consumer groups have not previously united around the technologies that power the platform economy and the widespread harms they incur.

AMONG 75,000 MARYLAND PUBLIC SCHOOL TEACHERS, ROUGHLY 44 PERCENT REPORTED WORKING MORE THAN ONE JOB TO MAKE ENDS MEET IN 2023.

In the US, litigation, legislation, and political debates about the platform economy have increased, though unevenly, in recent years. While some states and municipalities are considering new protections for platform workers – such as paid sick leave, deactivation appeals, higher insurance coverage, and pay transparency – others that have already adopted minimum wages are fighting about implementation and compliance. In this light, New York City, Seattle, and Colorado are harbingers of the steep road ahead following any initial policy wins (which themselves require years of organising work). In New York City, Uber and Lyft have locked workers out of the apps between rides to manipulate legislated minimum pay requirements.[18] In Seattle, Uber and Lyft attempted to block an ordinance that protects workers from sudden deactivation[19] and roll back minimum pay standards.[20] In Colorado, Uber sued to block a law requiring that the firm give workers information about job pay and ride distances before a driver accepts a ride.[21]

California's history is especially instructive. In 2019, the California legislature passed a law to address employment misclassification across firms and sectors, creating the presumption of employment and enacting an exacting three-part test for hiring entities that want to use independent contractor labour.[22] In 2020, the four largest ride-hailing and food delivery firms successfully sponsored a referendum, carving themselves out of this law.[23] The following year, a similar proposition was filed to carve out on-demand nursing platforms from the law.[24] After widespread public outcry and negative media attention, the referendum was pulled. Instead, to comply with the law, some major nursing platform companies, including CareRev, began in early 2025 advertising that they will hire nurses through an intermediary.[25] CareRev, for instance, suggests that healthcare workers must first be hired by a third-party (i.e., People2.0) that will serve as the employer of record.[26] This new workaround could mean that on-demand nursing companies can technically adhere to the letter of the law in California while avoiding many of the responsibilities that the state intends for platform companies to take. In this scenario, gig nurses will neither be employed by the platform nor the facility in which they work; instead, they will be employees of a new intermediary. Fairwork has found evidence of platforms using a similar strategy in Germany, Poland, Serbia, and Spain to subcontract work to third parties who employ drivers and courier workers.[27]

The Trump Administration's impact on labour organising is yet to be seen. There are likely to be major challenges to establishing fair work standards in the age of Big Tech. This report comes against the backdrop of these developments, and provides a snapshot of the current state of platform work in the US across a variety of platforms. The results are clear in pointing out that there is a long road ahead in achieving fair working conditions for platform workers.

Scores 2024, by Principle

	Principle 1: Fair Pay		Principle 2: Fair Conditions		Principle 3: Fair Contracts		Principle 4: Fair Management		Principle 5: Fair Representation		
	1.1	1.2	2.1	2.2	3.1	3.2	4.1	4.2	5.1	5.2	Total
CareRev	○	○	○	○	○	○	○	○	○	○	-
Clipboard Health	○	○	○	○	○	○	○	○	○	○	-
Doordash	○	○	○	○	○	○	○	○	○	○	-
Grubhub	○	○	○	○	○	○	○	○	○	○	-
Instacart	○	○	○	○	○	○	○	○	○	○	-
Lyft	○	○	○	○	○	○	○	○	○	○	-
Papa	○	○	○	○	●	○	○	○	○	○	1
ShiftKey	○	○	○	○	○	○	○	○	○	○	-
ShiftMed	●	○	○	○	●	○	○	○	○	○	2
Uber	○	○	○	○	○	○	○	○	○	○	-
Uber Eats	○	○	○	○	○	○	○	○	○	○	-

The scores in this report rely on data collected using the Fairwork Framework as described in an earlier section. Following desk research, the Fairwork US team interviewed 79 workers from 11 platforms across the country and collected evidence from the management of those platforms who engaged with us. Appendix I provides further details of the evidence used to score each point in 2024-2025 and how it was collected.

Explaining the scores

Fair Pay

- Platforms that ensure workers are paid at least the local minimum wage after work-related expenses are subtracted from workers' earnings can meet this threshold.
- Only one – ShiftMed – out of 11 platforms could evidence that workers' gross pay was at least the minimum wage in the states where workers worked. ShiftMed workers are W2 workers, and as such they are guaranteed a minimum wage, as set by the Fair Labor Standards Act (FLSA). However, minimum wage levels are determined at the state level, and each state sets its own rates and other protection requirements.

Fair Conditions

- Platforms that show that they are aware of workers' risks and provide steps to mitigate them can meet this point.
- Fairwork was unable to evidence that the platforms included in this report met the thresholds of this principle.

Fair Contracts

- For platforms to meet this point, they must demonstrate that the contract or terms and conditions are clear and accessible to all workers.
- Two platforms – ShiftMed and Papa – were awarded the first point for fair contracts. This means that they could evidence that the contracts or terms and conditions were accessible, subject to the law of the place in which the workers worked, and the platform notified workers of proposed contractual changes within reasonable timeframes.

Fair Management

- To meet this point, platforms must demonstrate that workers are not arbitrarily deactivated, and that there is an avenue for workers to meaningfully appeal disciplinary actions.
- Communication is crucial when working alone as a platform worker. So are processes whereby workers can appeal decisions that resulted in penalties or disciplinary actions, even when a worker no longer works for the platform. For this principle, Fairwork was unable to award a score to any of the platforms.

Fair Representation

- For platforms to get this point, platforms should assure freedom of association and the expression of collective worker voice.
- Fairwork was unable to evidence that the platforms included in this report met the thresholds of this principle

PLATFORM IN FOCUS

Instacart

Instacart is a grocery delivery and pickup service platform in the US. It partners with major national and regional retailers, such as ALDI, Costco, CVS, and most recently, Ulta Beauty. It provides same-day delivery services, and some deliveries are provided in as fast as one hour. Food delivery is not a new phenomenon in the US. Pizzas, milk, and frozen meals have been available for delivery in certain parts of the country for decades. But, in the last dozen years, Silicon Valley companies like Instacart have incorporated digital mobile technologies to dramatically change what food gets delivered, how quickly, and at what cost. In 2020, the then eight-year-old company offered services to 85 percent of American households.[28] In 2023 the company went public and by the end of the year, Instacart's revenues exceeded three billion dollars.[29]

When a customer places an order for delivery or pick-up, Instacart transmits the order offer to a worker, who then chooses to accept the assignment. Instacart's workers are divided in two groups: full-service shoppers (independent contractors who shop and deliver) and in-store shoppers (employees who only shop). In this study, only the full-service shoppers were included. Instacart claims that it has more than 600,000 workers registered on the platform.[30] Instacart classifies this group of workers as independent contractors, meaning workers are not treated as employees by the company, and as such do not have access to employment rights of traditional employees, such as the national / federal / sectoral minimum wage, or health and safety protections. Instacart does not pay a fixed rate, and workers do not have the power to set their own rates. Instead, workers are paid a per-delivery amount based on what appears to be a number of different factors, such as the time of day, length of distance between a grocery store and customer, the size of the order, the demand for deliveries, and the supply of shoppers. To workers, these varying factors are hard to predict and seem to change from day to day, hour to hour, and even neighbourhood to neighbourhood. Moreover, we could not evidence that Instacart workers have pay transparency and accurate information about how much they will be paid before they accept a work assignment. While Instacart allows workers to subcontract to others, they clearly state in their terms and conditions that shopper accounts are not transferrable, and if shoppers would like to engage subcontractors as employees, they should do so with their own username and login details to the Instacart shopper app.[31]

Instacart has been involved in a growing number of settlements related to its business practices. It has settled with the city of San Diego for $46.5 million for underpaying its workers,[32] with the city of San Francisco for $5.25 million for not providing paid sick leave to its workers,[33] with workers themselves for $4.6 million[34] for subsidizing wages with tips, with Seattle for $730,000 for not providing sick leave[35] and with Washington, D.C. for $2.54 million for deceptive compensation practices and failing to pay sales taxes.[36]

Instacart is now partnering with UberEats,[37] but it has long incorporated Uber's strategy of lobbying for regulatory exemptions and legislative changes. For instance, in California, Instacart helped to raise $200 million for the Prop 22 ballot initiative that sought to exempt gig-economy companies from a state law that requires companies to grant employee status to gig-economy workers.[38] In Massachusetts, Instacart, alongside Uber, Lyft, and DoorDash, spent millions on a ballot initiative to exempt workers from employment protections and also funded the Massachusetts Coalition for Independent Work, which "opposes efforts to allow workers to organise unions or be classified as employees."[39] Instacart also funds Flex, a lobbying group that, with the support of policymakers in the Trump Administration, rallies against worker projections and rights.[40]

Recently, Instacart joined Uber in a lawsuit against Seattle that regulates how companies can deactivate workers who deliver food, shop for groceries and perform other types of services via platforms.[41] Under the law, companies must give 14 days' notice of deactivation to workers, which should be based on reasonable policies, and the decisions must involve reviews conducted by humans. The law also requires the companies to provide workers with records behind the decision, in an attempt to prevent workers from being fired by algorithms. The law was passed by the Seattle City Council in 2023 and designed to provide job security to platform workers. Instacart, however, claims

that the ordinance infringes on constitutional rights and federal laws and poses risks to customer safety and worker privacy.[42]

Instacart has established precedent-setting relationships with various government programmes in the US. Most notably, Instacart has begun to accept Supplemental Nutrition Assistance Program (SNAP) benefits across the country.[43] Since 2022, the company has been building partnerships with local governments, non-profit organisations, and medical institutions to use public funding to pay for stipends for Instacart groceries (see examples from Montgomery County, Maryland, as well as Boston's Children's Hospital). Given that the company has been found to deceptively raise prices on its goods,[44] it remains an open question whether these publicly-funded programmes incorporate similarly predatory prices or junk fees. In one case, a partnership required recipients to still pay service fees, tips, and taxes as well as provide a personal credit card for a subscription to its premium delivery service (though the first three months of that subscription were waived).[45] Recently, the company won a partnership with the US Department of Health and Human Services to study purchasing patterns, including differences between in-store and online grocery shopping, consumption patterns and access to healthy food options, among patients at risk for cardiovascular disease.[46] Increasingly, understanding the platform economy involves looking beyond the companies themselves, and exploring their relations with other key institutions in governance, law-making, funding and industry. In this second round of assessment for Instacart, Fairwork was unable to award any points to the company in line with the Fairwork principles. We hope that future dialogue will bear fruit, and the next assessment will paint a different picture.

Principle	First point	Second point	Total
Principle 1: Fair Pay	○ Ensures workers earn at least the local minimum wage after costs	○ Ensures workers earn at least a local living wage after costs	○
Principle 2: Fair Conditions	○ Mitigates task-specific risks	○ Ensures safe working conditions and a safety net	○
Principle 3: Fair Contracts	○ Provides clear and transparent terms and conditions	○ Ensures that no unfair contract terms are imposed	○
Principle 4: Fair Management	○ Provides due process for decisions affecting workers	○ Provides equity in the management process	○
Principle 5: Fair Representation	○ Assures freedom of association and the expression of collective worker voice	○ Supports democratic governance	○

Instacart's total score Fairwork _/10

PLATFORM IN FOCUS

ShiftKey

ShiftKey is a platform that connects licensed healthcare professionals – primarily nurses and nursing assistants – with medical facilities across the US.

Promotional materials for ShiftKey, one of the largest firms in the new sector of on-demand nursing, promise workers the ability to: "Set your own schedule,"[47] "Transform the way you work,"[48] and "Opt for independence and work on your own terms."[49] After a nurse downloads the app and submits requisite documents, they can use the app to indicate their interest in a twelve-hour shift at a hospital, nursing home, assisted living facility, surgical center, dental office, or, in some states, correctional facilities. An algorithmic scheduling software programme, which is the heart of ShiftKey, then approves the worker for a shift, notifies both the medical facility and the worker, allows the worker to clock in and out, and, finally, sends a paycheck.

ShiftKey promises hospitals and medical administrators a different set of controls, namely the capacity to seamlessly staff facilities, reduce manager workloads, and lower labour costs.[50] According to Crunchbase, an investment platform that provides information on companies and their financials, ShiftKey, which says it operates in 10,000 health-care facilities in the US, has raised over $300 million to-date (and is valued at $2 billion), all through private equity.[51] Considering that the company is relatively new (founded in 2016), this valuation demonstrates the interest of private capital in the provision of healthcare.

ShiftKey, which *Fast Company* named as one of the most innovative companies of 2024,[52] encourages workers to join in on personalised pay schemes, including bidding for shifts (against other workers). The company charges a "safety fee" (which they describe as "costs associated with background checks, drug screens [if applicable], verification of credentials, and fraud detection and prevention"), accident insurance and medical malpractice insurance.[53] The workers are charged extra fees if they want to cash out immediately after their shifts, rather than waiting for a week for their pay to be transferred to their accounts.[54] These tangible costs, in addition to the less tangible costs of unpaid labour in maintaining a profile, keeping their accounts active and the time spent on bidding shifts, make working at ShiftKey a considerably costly endeavour. As workers are independent contractors, ShiftKey does not provide a minimum wage, or living wage equivalent pay. It is up to the workers to decide if and how a shift may be worth their time.

The company advertises that its software programme, called SAMI (Schedule Automation Marketplace Integration), will "streamline the scheduling process," help maintain staff-to-patient ratios (some of which are mandated by state and federal laws), and lessen the need for senior-level managers.[55] Performance management for ShiftKey workers is largely conducted by automated rating systems. Some of these ratings are given by the medical facilities for attendance, timeliness, and onsite performance.[56] Other ratings are given by the on-demand nursing companies based on how many shifts a worker completes, how early they cancel shifts, and whether they stay late on a job (which can hurt one's score).[57] Higher reliability scores lead to earlier access to shifts while lower ratings result in temporary or permanent suspensions and, it is suspected, lower pay offerings.

Recently, the company announced its interest to expand beyond healthcare staffing into other professions.[58] Though its policy work is hard to assess, its General Counsel and Chief Public Affairs Officer Regan Parker suggested in a letter to The New York Times that platform workers should not be classified as employees, which she describes as "fit[ting] a square peg into a round hole."[59] ShiftKey frames the question of contractual status as a referendum on freedom, empowerment, and progress.

Parker, says: “You’re seeing a lot of tension between people who are ready to embrace empowered work and people who are still fighting the old guard, the old way of working.”[60]

ShiftKey’s contract stipulates that termination is allowed for any reason and, in an unusual move, bans workers from using any third-party apps or data-scraping tools to gain insight into the ShiftKey app.[61] ShiftKey’s contract is also remarkable in another regard: It says that if a nursing licensure board or hospital takes a disciplinary action against the worker, it is the responsibility of the worker to tell ShiftKey.[62] As a result, if a worker loses their license and still works on the ShiftKey app, the worker is liable – not ShiftKey itself.

In this first round of assessing nursing platforms in the US, we were unable to evidence that ShiftKey meets the Fairwork principle thresholds for pay, conditions, contracts, management or representation. Important issues remain with respect to workers’ welfare, earning a decent wage according to their skills and qualifications, contractual rights and obligations, relations with the company management, as well as their collectivisation and representation opportunities (especially with respect to the medical staff hired directly by hospitals).

Principle	First point	Second point	Total
Principle 1: Fair Pay	○ Ensures workers earn at least the local minimum wage after costs	○ Ensures workers earn at least a local living wage after costs	○
Principle 2: Fair Conditions	○ Mitigates task-specific risks	○ Ensures safe working conditions and a safety net	○
Principle 3: Fair Contracts	○ Provides clear and transparent terms and conditions	○ Ensures that no unfair contract terms are imposed	○
Principle 4: Fair Management	○ Provides due process for decisions affecting workers	○ Provides equity in the management process	○
Principle 5: Fair Representation	○ Assures freedom of association and the expression of collective worker voice	○ Supports democratic governance	○

ShiftKey’s total score Fairwork _/10

PLATFORM IN FOCUS

Papa

Papa is an on-demand home companion company that connects caregivers with clients who, for the most part, live in private homes. The company, founded in 2017 was valued at $1.4 billion in 2021. Much of the work the company advertises involves working with the elderly to provide companionship and assistance with their non-medical needs, such as help with groceries, light cleaning, and transport to doctor appointments.

Workers are classified as independent contractors and pick shifts through the app, which directs workers to a client's home and facilitates payment at the end of the shift. Papa also uses the platform to collect information from workers about the living conditions of the client: Does the client have clean water, electricity, and heat? In turn, clients are also asked to rate workers, but many do not. Some clients are not tech-savvy while others do not themselves have a Papa account, as their children or loved ones hire the caregiver on their behalf. Workers receive automated ratings from the company based on on-time arrivals and cancellation frequency, among other metrics.

Papa, which raised money from SoftBank Vision Fund, a venture capital firm, and Tiger Global Management, presents itself as offering a service to fight social isolation for seniors. Studies, which the company funded, show its caregiving services reduce emergency room visits and hospital readmissions.[63] Papa also promises to lower costs for insurance plans or improve their ratings by ensuring that patients attend annual wellness visits and get preventive disease screenings.[64] At one point, more than 65 insurance plans, including Cigna, Humana, Aetna, and Blue Cross, covered companion care services on the Papa platform.

The company has implemented a dozen initiatives to safeguard and protect its workers, who it refers to as Papa Pals. In 2024 Papa released a new worker safety programme to prevent issues from arising during shifts, protect worker and client well-being, and take action against any policy violations.[65] As part of the preventative programme, the company reports that they improved background and motor vehicle record checks, introduced identity verification to match workers' self-taken photographs with their registered driving license, and returned to human-verified assessment system for conducting behavioral checks on the workers. (Previously, the assessment system was automated.) The company has also announced an education programme for workers to receive information via email before and after their first visit and to prepare them for shifts. The company says that it sends workers educational newsletters and built an information hub where workers can seek additional information. Other programs for worker safety include a digital ID badge for clients to verify workers' identity; masked phone numbers for phone calls so that workers do not need to use their personal numbers; real-time emergency support in case workers or clients feel unsafe during a visit; and location-tracking software that can be used to investigate visits that seem irregular (such as lasting longer than expected). Papa has also announced a new protocol for call centre escalation, which includes new screening protocols for keywords in tickets opened about an issue and SMS surveys. All of these announcements are welcome, and clearly indicate how platforms can pursue measures to protect their workers (and clients). Especially in the context of elderly care work, where workers need to spend extensive periods of time alone with the clients, ensuring safety of the workers requires sector-specific and task-specific thinking.

That said, a 2023 *Bloomberg* investigation (published before Papa's safety report of 2024, cited above) found that Papa faced more than a dozen allegations of sexual harassment, assault, and theft against its workers and clients within a four year period.[66] Bloomberg found these allegations in its review of 1,200 confidential complaints in Papa's records.[67] Background checks were not as comprehensive as the company had suggested; one worker accused of assault had been charged with domestic abuse.

Given that Papa is compensated by national Medicare and Medicaid programs, the findings set off alarm bells. The Chair of the US Senate Special Committee on Aging, Senator Bob Casey of Pennsylvania, called for the labour platform to submit information about how it addresses abuse issues and whether its background checks for clients and caregivers are adequate. Casey also solicited data from the US Department of Health and Human Services on its safety oversight mechanisms for service providers like Papa that receive federal funds. He asked the agency to explain how Papa's services are "a worthwhile investment for taxpayers."[68]

Today, the platform posts jobs in 40 states and appears to have active partnerships with Aetna, Medicare Advantage, Medicaid health plans, and some employer-sponsored programs.[69] Our study shows that, although the platform is taking steps to address and respond to the safety risks workers experience, there is room for improvement. For instance, even though calls are masked, workers are not able to mask their personal phone numbers when messaging clients. Until mid-June 2024, workers were also unable to take screenshots or pictures within the app, which made it difficult for them to share information about their assigned location with loved ones. Although we understand that such restrictions in screenshotting location might have been due to interest in protecting the privacy of the clients, workers should have had the ability to inform their loved ones about their whereabouts, especially when they were visiting an area for the first time, or meeting a client for the first time. One worker for instance, described how she arrived at a client's home only to find him dead.

Though she said Papa's call center staff asked her to stay until the paramedics arrived, she was paid for only one hour of work. Another worker in Michigan described the difficulties of going to remote neighborhoods in which she did not feel safe and instances of sexual harassment, which the company said she could only address by "blocking" the client on her app.

While Fairwork welcomes Papa's initiatives in ensuring worker trust and safety, improvements are needed, as lone working introduces a variety of challenges for workers in the care sector. As Papa mentions in their transparency report "even one incident is too many, which is why trust and safety must be paramount in all aspects of the company's operations".[70] We look forward to engaging with Papa for thinking together how the systems in place could be improved, and how Papa could set the industry standard for worker safety in elderly care.

Principle	First point	Second point	Total
Principle 1: Fair Pay	○ Ensures workers earn at least the local minimum wage after costs	○ Ensures workers earn at least a local living wage after costs	○
Principle 2: Fair Conditions	○ Mitigates task-specific risks	○ Ensures safe working conditions and a safety net	○
Principle 3: Fair Contracts	● Provides clear and transparent terms and conditions	○ Ensures that no unfair contract terms are imposed	○
Principle 4: Fair Management	○ Provides due process for decisions affecting workers	○ Provides equity in the management process	○
Principle 5: Fair Representation	○ Assures freedom of association and the expression of collective worker voice	○ Supports democratic governance	○

Papa's total score Fairwork **1** /10

WORKERS IN FOCUS

Workers' Stories:

Crystal* is a nursing assistant in New York. For the past three years, she's used ShiftMed to earn supplemental income so that she can better take care of her child and her ill mother.

Crystal also works a full-time job in a hair salon, which she started after years at a long-term care facility. At one point, Crystal tried Clipboard Health, but prefers ShiftMed because Clipboard Health doesn't have a phone number she can call in case of an emergency.

She finds the platform to be a convenient way to make money and she likes the wages, even if they've decreased in the last year. But she harbors concerns about the lack of supervision on the job. She admitted that in these non-supervised workplaces she has to be careful not to lower her own standards of care. She said: "Ideally, there should be a nursing supervisor [on site] that should check you in and tell you where to go.... It's not very often that I'm even in the building with a manager." Crystal says she is often assigned to care for 30 residents at a time in a nursing home. She, like several other workers in this study, brings her own vitals equipment, like a blood pressure cuff, pulse oximeter, and thermometer, because, she has learned, not all facilities have those necessary tools for the job. She thinks, "nobody actually works for these facilities because they are poorly run." Crystal tried to pursue work outside of the ShiftMed app when she found a facility that she felt was better run than the rest. But the facility told her that they have a non-compete clause[71] with ShiftMed, and so she could not apply for a posted job.

Aisha* is a nursing assistant in Georgia who also works full-time at a long-term care facility. For years she has supplemented her income with work for DoorDash or UberEats.

Two years ago, she signed up to work for ShiftKey at nearby nursing homes and was surprised by the amount of isolation: "You really have no one to talk to if...you're needing help... It's really no communication with anybody other than yourself... There's no one for you to complain to if there's any mistreatment...or abuse [of patients] there. You really don't know the chain of command."

She thinks the risks of work are similar to that of on-demand food delivery, which often takes her to unfamiliar neighborhoods. For ShiftKey, she has shown up late at night to facilities where the doors are locked and she can't get in contact with anyone at the facility to open them. Even inside certain hospitals or nursing homes, she sometimes feels unsafe: "You really don't know anything about the facilities... You really don't know the chain of command and who to go to." She continued, "I just felt like I was on an island by myself a lot."

Kristin* is a nursing assistant in Oregon and earned most of her income last year from Clipboard Health. She also does accounting work and data entry jobs.

She has always been involved in care work, but it wasn't until the pandemic wreaked havoc on her daycare for kids with special needs that she turned to nursing work. Though Kristin appreciates the ability on Clipboard Health to not pick up shifts on the weekends (when her kids are home from school) or during the week when one of her kids has a doctor's appointment or, in her words "some fun little thing at preschool," she has been surprised by how much physical risk she routinely faces.

While moving a patient, she once developed appendicitis: "I was on the floor in tears and throwing up from just the pain. And I could not get a hold of anybody. They called the paramedics for me. And then I couldn't get approval to leave. And the paramedics left without me." She eventually got a hold of a facility director who assigned her duties to someone else and let her go. To make matters worse, she said that Clipboard Health did not pay her for any hours of that shift because, according to the company, she didn't complete her shift.

Kristin wished there were easier channels for communication, especially when she tested positive for Covid-19. When she couldn't figure out how to cancel her shift on Clipboard Health's app without losing attendance points (which would affect her ability to access work later in the month), she contacted the facility and asked them to cancel her shift. They refused. And so Kristin, despite being sick with Covid-19, showed up for the nursing job.

Names changed to protect worker identity*

Jan* is a caregiver in Ohio who has worked on the Papa platform for a few months. She also works as a seasonal contractor for an online test grading company.

Jan learned about Papa while researching caregiver options for her mother, who has dementia. Jan has limited job opportunities given that she had a criminal conviction in a neighbouring state and so the idea of working for Papa seemed like a win-win. She could get paid to be her mother's caregiver and take on other clients, though it's hard to schedule back-to-back shifts.

On the Papa platform, Jan mostly does cleaning, taking people to doctors' appointments, running errands, and helping with electronics. Before each appointment, she is required to call the client and confirm that she is on the way. She uses an app to get a secondary phone number, so the clients don't have her direct information.

(In mid 2024, Papa announced a new safety feature on its app that masks phone calls – but not text messages – between clients and workers.)

Jan's heart goes out to a number of the people for whom she worked as caregiver, given the conditions in which they lived veered toward neglect. She says it's hard to do the job when she feels like "these people don't have a lot of family." She felt close to one set of clients who lived about a half-hour drive away. But most of the work she did for them was cleaning. At a certain point, especially with the rising costs of gas, she felt as if the Papa wage "just wasn't enough" to do that job and go that distance. Her earnings before taxes are roughly $15 per hour and qualify her for Medicaid.

Names changed to protect worker identity*

THEME IN FOCUS

Silicon Valley's New Partnerships

This report highlights how managers are often missing in platform work. But something else is unique to these new AI-powered digital labour platforms: New institutions have entered the fray. Fairwork finds that major institutions are increasingly partnering with platform companies in unforeseen ways.

To achieve these new relationships, tech titans have used similar strategies to embed their services within the US context. These strategies, many of which were popularized by the ride-hailing giant Uber, can be categorized into three often-overlapping steps.

First, labour platforms ignore laws.[72] These firms enter cities and states by pitching themselves as disruptions to entrenched markets and stale regulations.[73] Existing rules – be they about worker classification or business licensing – are treated by these firms as outdated relics.[74] For Uber, the mantra was, according to whistleblower Mark MacGann, "Don't ask for permission, just launch, hustle."[75] In this phase, the rule of law is secondary to the holy aura of innovation. To advance this worldview and to subvert governance structures, labour platforms exploit real problems caused by years of austerity, from decaying public transit infrastructure and neighborhood disinvestments to struggling social services and wage stagnation.[76] Platform firms argue that they, rather than a recalcitrant government or any of its under-resourced programmes, should be at the center of solutions.[77] When Obama's 2008 campaign manager and White House senior advisor, David Plouffe, joined Uber as its new senior vice president for policy and strategy, Plouffe said Uber would help workers put money "back in their pocket" and receive the "pay raise that they've been denied for years."[78] At the same time, he offered assurances that the company was self-reliant. "We are not asking for special tax breaks like those who want to build a factory or headquarters in a city often do."[79] Legal precedents and government institutions, Plouffe suggested, were an impediment to progress, not evidence of it. Other platforms have mimicked these Silicon Valley ideas about how change happens – with powerful outsiders – and followed suit with their own arguments against regulation as a common good.

OTHER PLATFORMS HAVE MIMICKED THESE SILICON VALLEY IDEAS ABOUT HOW CHANGE HAPPENS - WITH POWERFUL OUTSIDERS - AND FOLLOWED SUIT WITH THEIR OWN ARGUMENTS AGAINST REGULATION AS A COMMON GOOD.

Second, labour platforms seek permanent exemptions by pushing for local and state laws to be rewritten. In 2010, there was no such thing in the US as a Transportation Network Company (TNC), a Delivery Network Company (DNC), or a Healthcare Worker Platform. Today all three categories exist across a number of cities and states. One of Uber's greatest innovations is its argument that

technologically-mediated business models are so unique that they merit brand new business categories. What's so important about having a new business category? The new categories are the very tool that helps platforms win carve-outs from existing rules.[80] After Uber or DoorDash convince policymakers that they deserve their own category, the platforms then argue that they should operate wholly free of government interference or any standing regulatory body.[81] To wiggle themselves out of this public oversight, labour platforms draw on campaign language that is eerily similar to the Koch brothers' deregulatory efforts in the 1990s, and the contemporary efforts of groups like the ultraconservative American Legislative Exchange Council.[82] In this phase, platform companies act as "regulatory entrepreneurs," companies for which rewriting laws, as opposed to simply currying favor through traditional lobbying, is a significant part of their development plans.[83]

ONE OF UBER'S GREATEST INNOVATIONS IS ITS ARGUMENT THAT TECHNOLOGICALLY-MEDIATED BUSINESS MODELS ARE SO UNIQUE THAT THEY MERIT BRAND NEW BUSINESS CATEGORIES.

Recently, a slate of laws and legal amendments have been drafted to create a new category of business for on-demand nurses: Digitally-dispatched healthcare workers. In the same way that Uber's category of Transportation Network Company allows the company to skirt a set of rules, so too does the new category of healthcare workers.[84] The category defines nurses and nursing assistants whose jobs are assigned by an app or website as independent contractors rather than as employees, a legal category that is protected by a host of labour rights. When gig companies misclassify workers as self-employed, many of the costs and risks of doing business are shifted onto workers.[85] These workers are excluded from the protections of local, state, and federal law on minimum wage, overtime pay, worker compensation, retirement benefits, employment-based health insurance, and paid sick days. As a result, many platform workers earn less than the state minimum wage that would apply were they properly classified as employees, turning the gig workforce into a "second-class status of nonemployees."[86]

A California ballot initiative in 2022 to define digitally-dispatched healthcare workers as independent contractors was withdrawn, but the campaign around it was not an aberration.[87] That same year a Minnesota omnibus bill put forward the phrase Health-care Worker Platform to describe healthcare staffing companies that use "an internet platform" to assign workers.[88] Governor Tim Walz declined to sign the bill, which specified that workers for these platforms act as independent contractors, into law. A draft Ohio appropriations bill tried to do nearly the same thing with nearly identical language.[89] Not all efforts to establish "health care worker platforms" as unique business entities that should be excluded from existing labour standards and public safety regulations have stalled. In 2022, the state of Colorado adopted a bill that does just that. Colorado now defines a Health-care Worker Platform as:

Any person, firm, corporation, partnership, or association that maintains a system of technology that provides a media or internet platform for a health-care worker to be listed and identified as available for hire by health-care facilities seeking health-care workers. Under a platform, the health-care facility sets the hourly rates and other terms of hire and the health-care worker, as an independent contractor and not as an employee or agent of the entity that maintains the platform, decides whether to agree to the hourly rates and other terms of hire.[90]

Through these efforts, on-demand healthcare staffing companies are trying to convince state-level regulators that there is something radically different about their business operations, and thus workers should be exempted from existing labour law.

In this phase, if a platform meets city-level resistance in these category-making efforts, the platform turns to state preemption – the nullification of municipal ordinances by state legislatures.[91] Since 2017, Uber and its peers have pressured 34 state legislatures to prohibit governments at the city and county level from setting labour standards such as a minimum wage, raising tax revenues on ride-hailing services, or mandating safety or accessibility

measures.[92] Hawaii's law, for instance, preempts "any ordinance or other regulation adopted by a political subdivision that specifically governs transportation network companies, transportation network company drivers, or transportation network company vehicles."[93] An economic development expert pointed out the irony of these state-level interventions: "I frankly think it's hypocritical of Uber and Lyft to say 'We are partners of cities' while systematically undermining the ability of their elected officials to actually manage how these services fit into the milieu."[94]

Where regulation is not changed or drafted in favour of platforms, these firms often turn to the ballot box. In 2019, California passed a law putting the onus on companies to prove that their workers were independent contractors, which opened the door to reclassifying them as employees.[95] Uber, Instacart, DoorDash and Lyft responded by pouring $220 million into a ballot initiative, Proposition 22, which the companies billed as a defence of drivers' rights.[96] "Protecting the ability of Californians to work as independent contractors throughout the state using app-based rideshare and delivery platforms," it stressed, "is necessary so people can continue to choose which jobs they take, to work as often or as little as they like, and to work with multiple platforms or companies."[97] In fact the initiative, which passed, exempts app-based workers from nearly all labour protections, including paid sick leave, retirement benefits, and accident insurance. In Massachusetts, Uber, Instacart, and Lyft raised $43 million in 2022 and $7 million in 2024 for copycat ballot initiatives.[98] In Pennsylvania, DoorDash has supported legislation to define its delivery workforce as independent contractors rather than employees, ensuring that the company skirts benefits and protections for app-based workers.[99] Far from ignoring laws, platforms in this stage seek to make new ones.

Finally, platform companies – despite their strong records of anti-institutionalism – embrace government and institutional partnerships. In this phase, platforms from Uber and DoorDash to Instacart and Papa secure partnerships with a host of institutions, from insurance providers and non-governmental social service providers to the federal government itself. Starting with Arizona in 2019, a handful of southern Republican states changed their laws to allow patients to use Medicaid funds to pay Uber and Lyft for rides to nonemergency medical appointments.[100] In 2021 Joe Biden's administration partnered with Uber to provide free rides to Covid-19 vaccination appointments and installed Seth Harris, who wrote an influential study about the benefits of Uber's

worker treatment, in a top labour position.[101] Uber has also worked with traditional unions to legislate sectoral or industry-wide bargaining for rideshare drivers while exempting workers from established labour protections, like the right to strike.[102] Last year, Uber issued $30 million to one of California's largest single-funded PACs, while a partnership between Uber and the Minnesota Department of Human Services to provide transit for disabled and elderly residents, especially in rural areas, threatened to derail minimum wage campaigns in that state.[103] After a decade of disregarding laws and deceiving policymakers, now the company is, as a spokesperson told Bloomberg, "pitching proposals to state legislators that add benefits while protecting flexibility."[104]

Since 2020, DoorDash has built partnerships with food banks in New York and North Carolina,[105] churches, the national Meals on Wheels programme, nonprofits for military veterans,[106] and, according to a DoorDash-funded report, roughly 300 more anti-hunger organisations.[107] In 2023, DoorDash began partnerships with major grocery chains to allow customers to use food stamps for certain items.[108] One nonprofit food pantry director in Washington, D.C. pointed out the irony of some of these partnerships in an interview: Some of the delivery drivers for DoorDash are her nonprofit's clients – workers who earn so little on the platform that they qualify for food aid.

Like DoorDash, Instacart has established partnerships to position itself as a responsible partner that is ready to provide essential services, such as allowing customers to use food stamps on the platform. And like Uber's partnerships with public transit agencies, Instacart has developed a formal relationship with the US Department of Health and Human Services.[109] Whereas DoorDash funded a study at the Urban Institute[110] and Uber developed a corporate-sponsored research programme,[111] Instacart has gone further. In 2024, the platform announced partnerships with several universities, including Ohio State University, Duke University, University of Kentucky, and University of Pennsylvania.[112] The platform has also set up relationships with public institutions or publicly-funded private institutions in South Carolina,[113] Maryland,[114] and Michigan[115] to use public funding to pay for stipends for Instacart groceries. The platform's list of partners – which has included at various points UberEats, United Way, Mount Sinai Hospital System, New York public schools, Kaiser Permanente, the American Cancer Society, the Cleveland Clinic, Nestlé USA, and the American Heart Association – is the longest of any platform in this study.

Papa partners with federally-supported Medicare Advantage plans so that federal resources are used to pay Papa for its services. Allstate insurance offers Papa as a benefit for employee plans.[116] Some workers described the job as a subcontractor for Papa, which is itself a subcontractor for insurance companies. Papa also had a partnership with Uber to enable ride-hail transit for caregiving workers and their clients.[117] For several years, until a 2023 investigation into allegations of abuse (see above), more than 100 insurance plans, including Cigna, Humana, and Blue Cross, reportedly covered elderly care services on the Papa platform.[118] Today, the platform still has partnerships with Aetna.[119]

THE PAST 15 YEARS HAVE SEEN A STRATEGIC MOVE AMONG SILICON VALLEY'S PLATFORMS AND THEIR RELATIONSHIPS WITH GOVERNMENT, INSTITUTIONS, AND CIVIC ORGANISATIONS. IT IS A SHIFT FROM ANTAGONISM TO COLLABORATION.

Since 2016, some of the largest US hospital systems have integrated gig nurses into their day-to-day healthcare operations.[120] The actual numbers of partnerships between on-demand nursing platforms and medical facilities are not publicly available. CareRev claims it is active in 770 facilities while ShiftMed reports contracts with 2,200 centres. ShiftKey says it has partnerships with 10,000 organisations. One of its clients, Touchstone Communities, has spent years on a federal list of the country's worst nursing home operators.[121] Another client, Vista Springs, was named in the *Washington Post's* investigation of some of the country's most neglectful assisted-living facilities.[122]

Collectively, the past 15 years have seen a strategic move among Silicon Valley's platforms and their relationships with government, institutions, and civic organisations. It is a shift from antagonism to collaboration. Platform partnerships can generate dependencies, help companies gain institutional legitimation, and secure market power.[123]

This is the second time we have conducted a Fairwork assessment in the US, and just like the last round in 2023, the overall scores in the league table remain very low. We know platform workers need protections everywhere, and there are major issues regarding their classification, recognition and collectivisation. However, these extremely low scores are not necessarily the trend in all the 40 countries where Fairwork has conducted research. It is not common to find scores gravitating towards "no conclusive evidence / negative evidence" of fair working conditions for platforms. In the last Fairwork UK scoring (2023), there was a range of platform scores, and some platforms received as high scores as 7 and 8. Similarly, in Germany (2021), in France (2022), in Austria (2022) and in Belgium (2022), we had league tables featuring a variety of scores, some of which were as high as 8. The extremely low scores on the Fairwork US league table in this report are not typical of elsewhere in the world. It is important to keep in mind that the low scores are not due to the Fairwork principle thresholds being higher in the US, nor because the standards are not compatible with the business models of the platforms. Fairwork Principles are universal, and they are applied to each country's context with the same research design. The higher scores in other countries show that some business models for platforms are compatible with Fairwork principles. In other words, the trajectory of platform labour in the US is far from inevitable.

Dan Gold / Unsplash

MOVING FORWARD

Pathways of Change

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If consumers have the economic means to choose, many will be discerning about the platform services they use.

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If consumers have the economic means to choose, many will be discerning about the platform services they use. Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we leverage consumer solidarity with workers' allies in the fight for fairer working conditions. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

This is the second annual round of Fairwork ratings for the US, and we see four pathways to change (Figure 2).

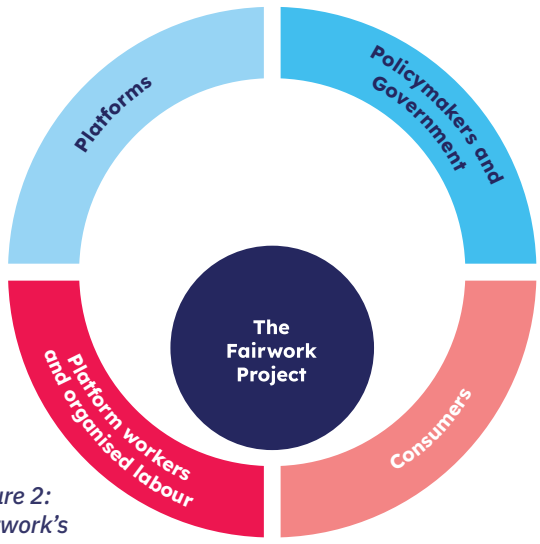


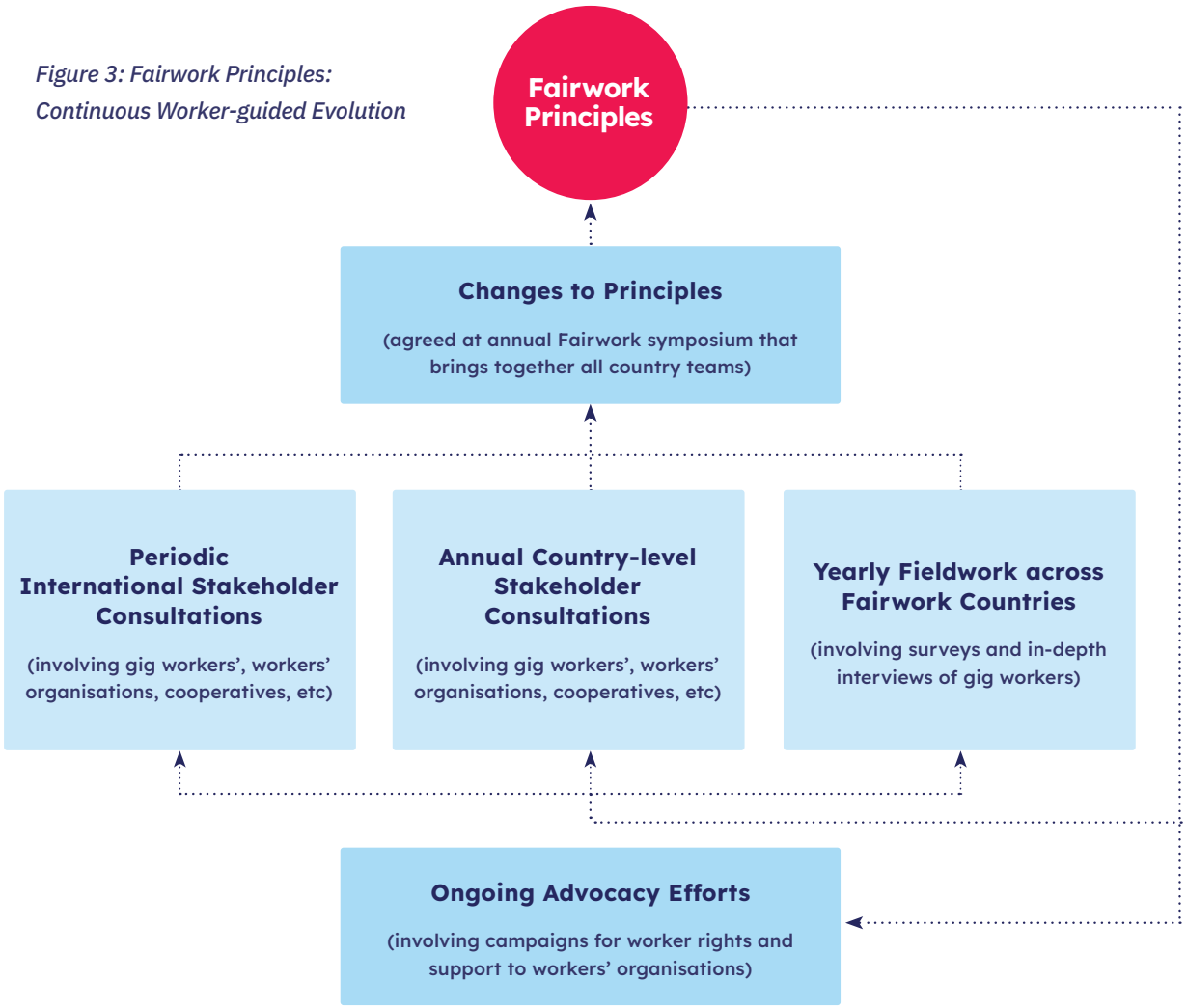
Figure 2: Fairwork's Pathways to Change

Our first and most direct pathway to improving working conditions in digital labour platforms is by engaging directly with platforms operating in the US. Many platforms in other countries are aware of our research, and eager to improve their performance relative to last year, and to other platforms.

We also engage with policy makers and government to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Over the past year, Fairwork has met with members of the D.C. Council, strategized with labour unions, testified at the US Congress, discussed findings with national media outlets, and presented research to platform worker policy groups to advise on the regulation of digital labour platforms in the US.

Finally, and most importantly, workers and their organisations are at the core of Fairwork's model. Our principles have been developed and are continually refined in close consultation with workers and their representatives (Figure 3). Our fieldwork data, combined with feedback from workshops and consultations involving workers, informs how we systematically evolve the Fairwork principles to remain in line with their needs.

Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today's platform economy – paints a picture of what it could become.

The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work. Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting the best labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice.

MORE INFORMATION ON THE PLEDGE, AND HOW TO SIGN UP, IS AVAILABLE AT

WWW.FAIR.WORK/PLEDGE

APPENDIX I

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The ILO defines a "digital labour platform" as an enterprise that mediates and facilitates "labour exchange between different users, such as businesses, workers and consumers".[124] That includes digital labour "marketplaces" where "businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time".[125] Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods) are obviously excluded from the definition. The ILO's definition of "digital labour platform" is widely accepted and includes many different business models.[126]

Fairwork's research covers digital labour platforms that fall within this definition that aim to connect individual service providers with consumers of the service through the platform interface. Fairwork's research does not cover platforms that mediate offers of employment between individuals and employers (whether on a long-term or on a temporary basis).

Fairwork distinguishes between two types of these platforms. The first, is 'geographically tethered' platforms where the work is required to be done in a particular location such as delivering food from a restaurant to an apartment, driving a person from one part of town to another or cleaning. These are often referred to as 'gig work platforms'. The second is 'cloudwork' platforms where the work can, in theory, be performed from any location via the internet.

The thresholds for meeting each principle are different for location-based and cloudwork platforms because location-based work platforms can be benchmarked against local market factors, risks/harms, and regulations that apply in that country, whereas cloudwork platforms cannot because (by their nature) the work can be performed from anywhere and so different market factors, risks/harms, and regulations apply depending on where the work is performed.

The platforms covered by Fairwork's research have different business, revenue and governance models including employment-based, subcontractor, commission-based, franchise, piece-rate, shift-based, subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

How does the scoring system work?

The five Principles of Fairwork were developed through an extensive review of research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

Each Fairwork Principle is divided into two points. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded if the first point for that Principle has been awarded.

The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

A platform can therefore receive a maximum Fairwork score of 10 points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the eight months between January 2024 and August 2024 and are valid until October 2025.

Table 1 Fairwork: Scoring System

Principle	First point	Second point	Total
Principle 1: Fair Pay	Ensures workers earn at least the local minimum wage after costs	Ensures workers earn at least a local living wage after costs	2
Principle 2: Fair Conditions	Mitigates task-specific risks	Ensures safe working conditions and a safety net	2
Principle 3: Fair Contracts	Provides clear and transparent terms and conditions	Ensures that no unfair contract terms are imposed	2
Principle 4: Fair Management	Provides due process for decisions affecting workers	Provides equity in the management process	2
Principle 5: Fair Representation	Assures freedom of association and the expression of worker voice	Supports democratic governance	2

Maximum possible Fairwork Score Fairwork 10/10

Principle 1: Fair Pay

1.1 - Ensures workers earn at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.[127] Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.[128] Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours.[129] To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

The platform takes appropriate steps to ensure both of the following:

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.[130]

1.2 - Ensures workers earn at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below local living wage.

The platform takes appropriate steps to ensure the following:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.[131,132]

Principle 2: Fair Conditions

2.1 Mitigates task-specific risks (one point)

Platform workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks and take basic steps to mitigate them.

The platform must satisfy the following:

- Adequate equipment and training are provided to protect workers' health and safety from task-specific risks.[133] These should be implemented at no additional cost to the worker.
- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.

2.2 – Ensures safe working conditions and a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control.[134] However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

The platform must satisfy ALL of the following:

- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.
- Workers should be compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.
- The platform implements policies or practices that protect workers' safety from task-specific risks.[67] In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

Principle 3: Fair Contracts

3.1 Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers.[135] To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract/terms & conditions are presented in full in clear and comprehensible language that all workers could be expected to understand.
- Workers have to sign a contract and/or give informed consent to terms of conditions upon signing up for the platform.
- The contracts/terms and conditions are easily accessible to workers in paper form, or via the app/platform interface at all times.
- Contracts/terms & conditions do not include clauses that reverse prevailing legal frameworks in the respective countries.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.[136]

3.2 – Ensures that no unfair contract terms are imposed (one additional point)

In some cases, especially under 'independent contractor' classifications, workers carry a disproportionate amount of risk for engaging in a contract with the service user. They may be liable for any damage arising in the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

Regardless of how the contractual status of the worker is classified, the platform must satisfy ALL of the following:

- Every worker is notified of proposed changes in clear and understandable language within a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.
- The contract/terms and conditions neither include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions. The platform takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.
- In case platform labour is mediated by subcontractors: The platform implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.
- In cases where there is dynamic pricing used for services, the data collected, and calculations used to allocate payment must be transparent and documented in a form available to workers.

Principle 4: Fair Management

4.1 Provides due process for decisions affecting workers (one point)

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

The platform must satisfy ALL of the following:

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface[69].
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

4.2 – Provides equity in the management process (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities in their design and management. For example, there is a lot of gender segregation between different types of platform work. To achieve this point, platforms must show not only that they have policies against discrimination, but also that they seek to remove barriers for disadvantaged groups and promote inclusion.

Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.[137]
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

5.1 Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.

Platforms must satisfy ALL of the following:

- There is a documented mechanism[138] for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.

5.2 Supports democratic governance (one additional point)

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.

The platform must satisfy at least ONE of the following:

- Workers play a meaningful role in governing it.
- In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation.

APPENDIX II

Comments from Companies Rated

Prior to publication, all companies rated were given an opportunity to review this report and provide a comment. Below are all of the responses we received from the companies. The quotes have been edited for brevity.

Papa

"Papa Pals provide vital social support to many who might otherwise have nowhere to turn. More than 99.8% of Papa visits occur without a validated safety incident, and we remain committed to further fostering safe, trusted, and meaningful connections that enhance well-being, drive purpose, and improve health."

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127. Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

128. The ILO defines minimum wage as the “minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.” Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO’s Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

129. In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, ‘active hours’ are defined as including both direct and indirect working hours.

130. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.

131. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.

132. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.

133. The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."

134. The ILO's Social Security (Minimum Standards) Convention, 1952 (No. 102), establishes nine classes of benefit (medical care and benefits in respect of sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors). Source: https://webapps.ilo.org/public/english/revue/download/pdf/ghai.pdf, p.122.

135. The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.

136. As stated in international standards, ethical data protection includes aspects such as legitimacy and lawfulness, proportionality, purpose limitation, transparency, quality, data subject's rights (access, rectification, evaluation, erasure, and portability), accountability, and collective rights. Also, when using AI, the rights to be informed about it and to have a human interface.

137. In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.

138. A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management.

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