

# THE FAIRWORK FOUNDATION: STRATEGIES FOR IMPROVING PLATFORM WORK IN A GLOBAL CONTEXT

## 1. ABSTRACT

This paper introduces the Fairwork Foundation, a research initiative that is also developing an intervention around the quality of work on digital labour platforms. Lacking the ability to collectively bargain, many platform workers have little ability to negotiate wages or working conditions with their employers. As a result of this new, digitally-managed market for work, many workers have jobs characterised by long and irregular hours, low income, and high stress. Fairwork's field research across India and South Africa finds challenges for workers across a range of issues which form the basis for a set of decent platform work principles on: pay, conditions, contracts, management, and representation. The results of the field research are being used to rank and compare platforms against these principles as a means to encourage decent, and discourage 'un-decent' platform work.

## 2. KEYWORDS

Decent Work; Platform Economy; Digital Labour; Gig Economy

## 1 INTRODUCTION

The platform economy is growing fast with estimates that digital labour platforms<sup>1</sup> worldwide now earn at least US\$50bn per year (Heeks, 2019): examples include platforms operating in ride hailing, food delivery, personal services, and digital content creation. There are estimated to be up to 40 million platform workers in the global South alone; some 1.5% of the total workforce (Heeks, 2019). While platform work offers income and opportunities to many, there are also numerous instances of unfair and unjust work practices. Examples of issues encountered in research are low pay, wage theft, unreasonable working hours, discrimination, precarity, unfair dismissal, lack of agency, and unsafe working conditions (Wood et al., 2019).

In most places and sectors, workers lack the ability to collectively bargain and, because of their employment status, are not protected by relevant employment law. As a result, our project has put together a multi-year programme of action research designed to foster more transparency about working conditions in the platform economy, and ultimately to encourage fairer working conditions. This paper introduces the ongoing work in progress of the Fairwork project. We have brought together a diverse set of platform economy stakeholders (workers, unions, platforms, labour lawyers, academics, government and third sector organisations) to co-develop a set of Fairwork principles that are meaningful and achievable in the contemporary gig economy. We

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<sup>1</sup> A digital labour platform may be defined as a set of digital resources - including services and content - that enable value-creating interactions between consumers and individual service-providing workers (adapted from Constantinides et al 2018).

have then used those principles to assess work processes and conditions in most large platforms operating in Bangalore, India and in South Africa.<sup>2</sup>

This paper will review the theoretical underpinnings of our principles, our theory of change and the thresholds of fairness deployed in the project. It then outlines the methods and the advantages and challenges of collecting data about fair work from empirical research with platforms and workers, and through desk research. Finally, even though only our first year's league tables have been released, the paper shares some preliminary results and impacts from the research.

## **2 THEORETICAL UNDERPINNINGS OF THE FAIRWORK PRINCIPLES**

Fairness at work is a complex issue. At a basic level, fairness involves an equitable exchange of labour-time for a wage. However, fair pay remains an ongoing challenge, both in more traditional forms of employment and platform-mediated work. From the exchange of time for a wage flow many complicated relationships, situated within particular economic, social, political, and cultural histories. The factors involved differ based on the kind of work and its technical composition. These include the labour process, the activities involved, the way it is managed, the use of technology, and so on.

By 2025, a third of all labour transactions will be mediated by digital platforms (Standing, 2016). While platform work undoubtedly offers opportunities and income to many (D'Cruz and Noronha, 2016), emerging evidence of the quality of work on labour platforms points towards numerous problems (Bergvall-Kåreborn and Howcroft, 2014; Berg, 2016; CIPD, 2017; Huws et al., 2016; Lee et al., 2015; Rosenblat and Stark, 2016). A major problem, and one that has held back research, is that work platforms have successfully used the 'spectacle of innovation to conceal the worker' (Scholz, 2015). One example of this is the rise of 'commercial content moderation', involving workers in the global south checking content for large platforms like YouTube (Roberts, 2016). This work involves new harmful practices, of which many are currently unaware.

Platforms involve more than just a change in labour processes, but are also seeking to transform other existing practices. As De Stefano (2016) has argued, platforms are undermining the standard employment relationship, creating increased casualisation. This has a corrosive effect on working standards, changing existing and accepted standards. For some types of platform work, workers are in competition globally for the same jobs. This is particularly significant as people from low-income countries in the global South are able to access the internet, resulting in accelerated competition (Graham et al., 2017a). There are currently no agreements for collective bargaining with these kinds of work, leaving workers unable to collectively negotiate improved working conditions or wages. Many platforms make it very difficult for workers to communicate with one another, let alone organise. There is often the risk of being "deactivated" which can make workers reluctant to express voice. Furthermore, most platforms position themselves as intermediaries

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<sup>2</sup> Our pilots began in South Africa and India because of the relatively large size of the platform economy and the significant potentials to improve platform work in both places. In both countries, much platform work is relatively unregulated. Because of the enormous economic, political, and cultural differences within India, our work was initially limited to the city of Bangalore. While our research in South Africa has been limited to Johannesburg and Cape Town, we would argue that our results are applicable to all large cities in the country given the great majority of gig work in the country is undertaken in these two locations.

rather than employers, which means it is less clear who workers can negotiate with. Unsurprisingly, this has resulted in low wages, irregular hours, and high stress (Graham et al., 2017b). This is aggravated by the fact that many platform workers are characterised as ‘self-employed’ and therefore do not benefit from employment rights guaranteed for ‘employed workers’ in local labour legislation.

These examples provide the context from which we proposed the establishment of the Fairwork project. It is a response to the particular challenges faced by platform workers that seeks to draw on ongoing empirical research to develop effective strategies for change. Given the difficulty in finding appropriate legal regulation or achieving change through collective action, the Fairwork Foundation instead draws on the influence of publicity, reputation and consumer power to achieve decent work for platform workers. Building on the model of Fair Trade and the highly successful Living Wage initiative in London, the Fairwork Foundation uses a rating scheme to determine the extent to which platforms are providing decent work for those who carry out platform-mediated tasks. This in turn requires us to determine rating scales, which on the one hand underpin fair work standards in the complex world of platform working and on the other hand give meaningful incentives to platforms to bring their practices into compliance. This paper describes the process of determining those ratings and the outcome.

While all platforms are engaged in the supply and demand of labour, the specific functions differ. This can involve becoming a new intermediary for some kind of existing service, creating new jobs and skills (Drahokoupil and Fabo, 2016), or forging new economic geographies of work (Graham and Anwar, 2018). In order to consider the differences in fairness – or what fairness means – in the contexts of platform work, we have attempted to deploy broad principles of fairness that can incorporate different labour processes, kinds of organisation, and other specificities that have important ramifications for certification. To do that, our goal has been to establish principles of fair platform work that can be meaningful across places and sectors. But then establish thresholds of measurements that can adapt to spatial and sectoral specificities.

After a review of related job quality literature and related standards, the Fairwork Foundation developed eight themes that were to be included in our ratings. This involved comparing the six different standards in Table 1. These included the Ethical Initiative Base Code (ETI, 2014) which is an internationally recognised code of labour practice, building on the Conventions of the ILO; the SA8000 certification scheme, developed by Social Accountability International (SAI, 2014), also based on ILO decent work; Richard Heeks’ (2017) ‘Decent Work and the Digital Gig Economy’, which summarises a range of contemporary literature in the field; the Frankfurt Declaration on Platform-Based Work (FairCrowdWork, 2016) signed by North American and European Trade Unions; FairCrowdWork (2017) which is a collaboration between IG Metall, the Austrian Chamber of Labor, the Austrian Trade Union Confederation, and Unionen; and the voluntary guidelines for crowdwork set by the German crowdsourcing platform Testbirds (2017) and supported by Deutscher Crowdsourcing Verband e.V (German Crowdsourcing Association). The different approaches for standards have been synthesised into Table 1, summarising the differences. We collated standards based on the literature review (see column “Fairwork”) and then grouped these into themes. For example, where there were multiple standards relating to pay

(see the two for Faircrowd.work), these have been synthesised into a single row for the theme “pay.” The result is a revised set of “Fairwork Principles” in the final column.

ETI	SA8000	Heeks	Frankfurt	Faircrowd work	German Crowdsourcing Code of Conduct	Fairwork	Fairwork Principles
Living wages	Living wage	Adequate earnings	Minimum wage	Pay and non-payment	Fair payment	Minimum wage; Regulation of non-payment; Pay terms	Pay
Employment freely chosen; Working hours are not excessive; Working conditions are safe and hygienic	No child, forced, or compulsory labour; Limits on working hours/days; Safe and healthy working environment	Employment opportunities; Career Development; Work processes; Working hours; Health & safety		Experiences with technology; Quality & availability of tasks	Motivating and good work; Clear tasks and reasonable timing; Freedom and flexibility	Information about work; Psychologically stressful or damaging tasks	Conditions
Regular employment is provided		Social protections; Other legislation and rights; Stability of work; Employment status	Comply with laws; Clarify employment status; Social protection	Changes to terms and conditions; Warranty	Tasks in conformance with the law; Clarification on legal situations	Compliance with relevant laws; Non-competition agreements; Non-disclosure agreements	Contracts
				Contact with employers; Contact with workers; Communication	Constructive feedback and open communication	Communication	Communication
No discrimination is practiced; No harsh or inhuman treatment is allowed	No discrimination ; No abusive disciplinary practices	Discrimination; Respect, privacy and dispute resolution	Dispute resolution	Reviews, ratings, and evaluations	Respectful interaction; Regulated approval process and rework	Contestation of work evaluations or qualifications; Account deactivation; review of task instructions	Management
Code through supply chain, reporting	SA8000 management system	Platform governance; Accountability	Transparency				Governance
					Data protection and privacy	Access to collected data	Use of Data
Freedom of association and right to collective bargaining	Freedom of association and right to collective bargaining	Freedom of association; Social dialogue / collective bargaining	Collective bargaining			Collective representation and bargaining	Representation

**Table 1 Different Approaches to Standards in Digital Work**

### 3 WEIGHTING THE PRINCIPLES

In workshops in Berlin, Geneva, Bangalore, and Johannesburg, we asked stakeholders to discuss priorities for the principles. The discussions were synthesised, and participants were asked to rate the importance of different principles. Along with drawing on the findings of previous empirical research, this led us to apply the weightings and also undertake some grouping, in order to end up with the five principles shown in Table 2. The other three principles featured in Table 1, along with equity which was added at this later stage, have been included within the revised “Management” principle, as each had a lower weighting with stakeholders.

The principles are:

**Pay:** Fairness relating to pay includes levels of pay as well as fair pay terms, including ensuring that workers costs are met.

**Conditions:** Fair conditions cover the way in which the work is carried out, either mitigating the risks of the work, or actively improving health and safety.

**Contracts:** The key issue with fairness of contracts is whether employment status attributed to the worker by the contractual documents reflects the actual employment relationship. Contracts should be transparent, concise, and provided to workers in an accessible form.

**Management:** Fair management (this principle was originally called ‘Governance’) involves how the platform operates across five dimensions. First, management, involving fairness in relation to the work process, including disciplinary practices. Second, communication, with clear lines of contact between workers and a representative of the platform. Third, accountability, involving transparency in relation to decision-making processes. Fourth, use of data, which should be justified with a clear purpose and only with explicit informed consent. Fifth, equity, which is cross-cutting and ensures no discrimination.

**Representation:** Fair representation requires that workers have a voice on the platform. Workers should have the right to be heard by a platform representative and there should be a clear process by which workers can lodge complaints, receive a response, and access a dispute resolution process. The platform observes the ILO right to free association, not linked to worker status, but as a universal right. Similarly, the platform accepts collective representation of workers and collective bargaining.

	Pay	Conditions	Contracts	Management	Representation
<b>Initial Threshold</b>	1.1 Earnings are above the local minimum wage	2.1 Task-specific risk mitigation	3.1 Clear terms and conditions are available	4.1 Provides due process for decisions affecting workers	5.1 Includes freedom of association and worker voice mechanism
<b>Secondary Threshold</b>	1.2 Earnings are above the local minimum wage after costs	2.2 Actively improves working conditions	3.2 Terms and conditions genuinely reflect the nature of the relationship	4.2 Pro-equity policies and informed consent for data collection	5.2 Recognises collective body for representation and bargaining

**Table 2 The Fairwork Principles**

## 4 THRESHOLDS AND METHODS

Within those five principles, we developed two thresholds of fairness (see Table 2). Our project used those thresholds to assign every platform a score out of ten. The thresholds used allow us to both operationalise an initial threshold of fairness for each principle (in other words, a floor underneath which working conditions should not fall) and a more aspirational target as the second threshold.

The mechanism through which this project seeks to enact change (comparing fairness of work across platforms) necessitates scoring not just platforms who opt-in, but rather all major platforms in a location. As such, faced with a context in which some platforms may not wish to supply supporting evidence, Fairwork's scoring strategy stipulates that scores should only ever be given if there is clear empirical evidence to demonstrate that a platform surpasses any threshold. In other words, the lack of a point can either represent the fact that a principle is not met or that there is insufficient evidence to judge compliance.

Three overlapping methods are used to gather data used for the scoring. First, interview invitations are sent to all large platforms in a location. In those interviews, platforms are given the opportunity to discuss the scoring criteria and provide evidence for how they meet the thresholds. In those interviews, some platforms have also asked for suggestions on changes to policies that might be needed in order to receive more points.

Second, interviews with a random selection of platform workers from each platform are set up.<sup>3</sup> Interviews ask workers about not just their own jobs, but also experiences from anyone in their networks. These interviews are mostly used to understand how platform policies play out in practice and to gather evidence that can be used for continuing discussions with platform representatives. The nature of the platform economy means it will never be fully possible to create a representative sample of workers on a platform. For that reason, we are careful to use this data in a context-sensitive way. For a principle like Fair Pay, worker interviews can only be used to take points away from a platform. In other words, we could never establish if a platform can ensure that all workers earn above the local minimum wage from an unrepresentative sample of workers. We could, however, establish that some workers do not earn above the local minimum wage. In contrast, for a principle like Fair Conditions, we can quickly establish through worker interviews if specific policies exist to mitigate risk or improve working conditions.

Third, desk research is used to uncover information about platform policies that can be used to assign scores. A significant amount of information useful for scoring can be found on the platform websites and apps. This content can be supplemented with news stories, investor reports, and other third-party content.

The first year's rankings for Fairwork were released on the 25<sup>th</sup> of March 2019. The league tables for South Africa and India (Bangalore) are available on the Fairwork website.<sup>4</sup> These league tables

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<sup>3</sup> We use the term "platform worker" here to refer to someone who works for the platform providing the service. This is regardless of their contractual status. For example, a driver on Uber.

<sup>4</sup> See: <https://fair.work/ratings>

will then be updated on a yearly basis. Because of the fast-changing nature of the platform economy, this will help us to ensure that no scores are more than one year old.

## 5 IMPACTS AND NEXT STEPS

The Fairwork Foundation has so far successfully engaged directly with eight platforms in South Africa (representing over 45,000 workers) and four in India (representing over 450,000 workers). A few of these platforms have already agreed to implement changes to improve the fairness of work based on the Fairwork principles. For example, one delivery platform was keen to engage with the project and demonstrate that their company is a good place to work. While the platform already scored relatively well on the ranking, we entered into discussions about further improvements that could be made. The platform owner wanted to experiment with encouraging worker voice on the platform (thresholds 5.1 and 5.2) and agreed to publicise a written statement of the platform's commitment to facilitate collective representation and bargaining in line with the Fairwork principles. Another example is a freelance platform that places workers on-site. They are in the process of undergoing significant changes to their business practices and have decided to integrate the Fairwork principles into their new operations, ensuring that thresholds around fairness are met in relation to each of the five principles.

Our goal will be to produce yearly rankings and league tables for South Africa and India, as well as expanding to include other countries; at the time of writing including Chile, Germany (Berlin), Indonesia, and the UK (London). We expect our principles, thresholds, and rankings to evolve through ongoing discussions with partners and stakeholders. By carrying out this regular programme of action research, our hope is that we can ultimately encourage a movement towards fairer working practices.

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