Future Shift Labs

NEGOTIATING DECENT WORK IN THE PLATFORM ECONOMY

Key Developments and Expectations from the 114th Conference at the International Labour Organization (ILO)

EXPLAINER AND ANALYSIS

May 2026

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Explainer and Analysis

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Future Shift Labs (FSL) is a strategic research and policy think tank working to build a sustainable, equitable, and digitally resilient future by advancing responsible and ethical applications of artificial intelligence. Established in 2024, the organisation conducts in-depth research and analysis on emerging AI technologies and their societal impact, advocates for inclusive AI governance, and supports strategic consulting, training, and public engagement to strengthen institutional and community capacity. With a focus on fostering collaboration among researchers, policymakers, industry leaders, and civil society, Future Shift Labs seeks to position India as a global leader in digital diplomacy, ethical AI development, and international cooperation on emerging technology challenges.

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How to Read This Report

This report examines the ongoing negotiations at the International Labour Organization (ILO) toward a **Convention and Recommendation on Decent Work in the Platform Economy**, tracing how the discussions evolved across successive stages of the standard-setting process from the 113th ILC in June 2025 to the Blue Report published by the ILO Office in March 2026.

The central section, ‘Key Sites of Contestation’, tracks major areas of negotiation, including definitions, employment classification, remuneration, algorithmic management, occupational safety and health, social protection, and data governance, across draft texts, committee discussions, and amendments. More emphasis is given to the articles which have been provisionally adopted following negotiations in the 113th ILC.

The next section moves toward analysis of the negotiation landscape highlighting India’s position, finally culminating into major areas that are expected to shape the 114th International Labour Conference.

The analysis draws on:

- ILO Law and Practice Report (V1) / ILC.113/Report V(1) / Source
- Summary of Replies and Proposed Conclusions Report (V2) / ILC.113/Report V(2) / Source
- Report 6B: Detailed Proceedings of the Standard-Setting Committee during 113th ILC / ILC.113/Record No. 6B(Rev.1) / Source
- Draft Convention and Recommendation and the ILO Office Commentary on the draft texts of a Convention and Recommendation (V3) / ILC.114/Report V(3) / Source
- Revised and Updated Draft Convention and Recommendation Blue Report (V4) / ILC.114/Report V(4) / Source

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Introduction

Platform Work and the Crisis of Labour Governance

The platform economy has exposed a growing imbalance between twentieth-century labour regulation and new forms of work organized through digital platforms and algorithmic systems. Existing labour laws and social protection mechanisms were largely designed around stable employer–employee relationships located within national jurisdictions.[1] However, platform-mediated work complicates these traditional understandings. It is within this context that the **ILO's 114th International Labour Conference on decent work in the platform economy** assumes particular significance.

This moment has become more urgent with the rapid expansion of the platform economy across sectors such as transportation, delivery services, logistics, domestic work, e-commerce, and online freelancing.[2] Categorized as "independent contractors" or "self-employed", many platform workers remain outside the protections associated with formal employment. Throughout the ILO negotiations, employer groups and several member states have continued to frame platform work in terms of flexibility, income opportunities, and economic growth. However, these claims sit uneasily alongside growing evidence of precarity, informality, and poor working conditions documented across investigative reporting, worker mobilisations, and labour studies. In India, for instance, a recent Primus Partners (2026) report challenges the idea of platform work as supplemental income pursued out of "choice", arguing instead that many workers remain trapped in platform labour due to the absence of secure alternatives.[3]

At the centre of these tensions lies a regulatory challenge. There is currently no internationally agreed framework governing platform work. As a result, platform workers often remain excluded from protections relating to minimum wages, social security, occupational safety, collective bargaining, among other things. They are increasingly managed through opaque automated systems involving ratings, performance monitoring, automated task allocation, and account suspension.[4] Together, these developments have transformed platform work from a sector-specific labour issue into a wider question of digital governance.

The ILO and the Emergence of International Standard-Setting

In response to these developments, in 2021, the ILO released *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*,[5] one of its earliest

[1] The ILO Office's first Report (V1) notes that existing regulation of platform work remains "sectorally uneven and incomplete," with courts increasingly relying on the "primacy of facts over contracts" in determining employment relationships.
[2] Report (V1) identifies transportation and delivery among the largest platform work sectors globally. It also cites the Online Labour Index 2020, according to which India accounted for 26.9 per cent of workers on major online labour platforms globally.

[3] Primus Partners. Unlocking the Future: How to Enable 23.5 Million Indian Youth to Use Gig Work as a Stepping Stone. New Delhi, 2026
[4] For example, see Kumar, A. and Narayanan, V., The Algorithmic-Human Manager: AI, Apps, and Workers in the Indian Gig Economy. CeRAI, IIT Madras, 2025.
[5] ILO. World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work. 2021.

attempts to examine the implications of platformization for labour markets globally.

The same year, the ILO Governing Body initiated a formal standard-setting process on decent work in the platform economy through a tripartite meeting involving governments, employers' organizations, and workers' organizations. Subsequent expert meetings, normative gap analyses, and pre-conference reports progressively laid the foundation for negotiations within the International Labour Conference (ILC). Following the first discussion at the 113th ILC in 2025, negotiations will be carried forward to the 114th session scheduled for June 2026 under the ILO's double-discussion procedure for standard-setting.

Standard-Setting Process of the ILO

Agenda Item 5
Decent Work in the Platform Economy

↓

Double-Discussion Procedure
113th ILC (2025) → First Discussion
114th ILC (2026) → Second Discussion

↓

Expected Outcome
Convention + Recommendation

Timeline of Events	
October 2022	Meeting of experts on decent work in the platform economy
Oct–Nov 2022	After reviewing the meeting outcomes, the Governing Body placed the item on the agenda of the 113th ILC and requested a normative gap analysis
February 2023	Normative Gap Analysis report published
March 2023	Based on the gap analysis, the Governing Body decided to initiate a standard-setting process, and adopt a double-discussion procedure (113th and 114th ILC sessions)
January 2024	**Report V(1) (White Report)** → problem + a questionnaire for member states → analysis of platform work worldwide
February 2025	**Report V(2) (Yellow Report)** → summary of member states' replies → proposed conclusions
113th International Labour Conference (First Discussion): 02 - 13 June 2025	
August 2025	**Report V(3) (Brown Report)**: the ILO Office Commentary on the draft texts of a Convention and Recommendation
March 2026	**Report V(4) (Blue Report)**: Summary of the observations received by member states on the above draft in V3 and updated Draft Convention and Recommendation
114th International Labour Conference (Second Discussion) 01 - 12 June 2026	

The 114th International Labour Conference is expected to conclude with the adoption of both a **Convention and a Recommendation** on **Decent Work in the Platform Economy**. Together, these instruments would constitute the first international labour standards specifically focused on platform work. While the Convention is expected to establish binding obligations for ratifying member states, the accompanying Recommendation, more flexible in nature, would provide more detailed guidance regarding implementation, regulation, and policy approaches.

Scope and Analytical Focus

The negotiations at the ILO represent a broader attempt to determine whether existing labour institutions can effectively govern work organized through automated systems, platforms, and transnational digital networks. While there is an emerging international consensus that platform workers require protection, there are procedural disagreements, including debates surrounding the **accelerated amendment procedure**, the scope of the Convention relative to the Recommendation, and the inclusion or removal of provisions relating to automated systems and cross-border governance. These reflect a friction between the competing priorities of governments, employers, and workers on enforceability, flexibility, innovation, and sovereignty.

This report examines the evolution of the ILO negotiations on decent work in the platform economy across the 113th International Labour Conference, as well as the reports published by the ILO Office in the lead up to the 114th Conference with particular attention to the major areas of contestation that emerged throughout the standard-setting process. It analyzes how governments, employers' organizations, workers' organizations, and the ILO Office approached key issues. Further, it explores the positions adopted by India, and reflects on what these developments may mean for labour governance, platform regulation, and the future of work.

Key Sites of Contestation

The negotiations on decent work in the platform economy evolved across multiple stages of the ILO's double-discussion standard-setting procedure. Initial positions emerged through member state responses compiled in **Report V(2)**, where governments, employers, and workers' organizations responded to the Office questionnaire and proposed conclusions ahead of the 113th Session of the International Labour Conference. These positions were subsequently debated within the **Standard-Setting Committee during the 113th Session**, with the discussions recorded in **Report 6B**. Following these negotiations, the Office prepared revised draft instruments in **Report V(3)**, which were then circulated to member states for further observations and comments made in consultation with employers' and workers' organizations. These responses, compiled in **Report V(4)**, reflected both areas of emerging consensus and continuing disagreement ahead of the 114th Session. The following table traces the major sites of contestation across this evolving negotiation process, highlighting how different actors attempted to shape the proposed instruments.

<table>
<tr><th colspan="2">Form of Instrument: Convention, Recommendation or Both?</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr><td>Whether the ILO standards on platform work should take the form of a
1. binding Convention,
2. non-binding Recommendation, or,
3. Convention supplemented by a Recommendation (C+R).

The disagreement reflected competing concerns around enforceability, flexibility, pace of technological change, diversity of national labour systems, and the scope of the ILO's authority over platform-mediated work. Employer groups and several governments argued that platform work remained too heterogeneous and rapidly evolving for binding obligations, while worker representatives and supporting states viewed a Convention as necessary to establish minimum international protections.</td><td>The amendment seeking to replace “Convention supplemented by a Recommendation” with “Recommendation” introduced by USA, Japan, Switzerland, Turkiye, was rejected during the 113th International Labour Conference (ILC) after a recorded vote, and the Committee ultimately retained the Convention + Recommendation structure. Similar amendments submitted by the Employers group, China, India, Malaysia were also rejected.

The negotiations during the 113th ILC and subsequent observations submitted on the draft instruments prior to the 114th session in Report V4, progressively moved toward a more principles-based, flexible, and less prescriptive drafting approach.

As reflected in the Blue Report (V4), broad consensus emerged that the Convention should establish core principles, while operational</td></tr>
</table>

Workers' Group, represented by the Worker Vice Chairperson strongly supported a Convention supplemented by a Recommendation, arguing that ● platform workers faced significant decent work deficits, ● cross-border platform operations required harmonized international standards, ● flexibility could still be preserved through a simplified amendment procedure ● repeatedly rejected the argument that innovation and labour protection were incompatible. **Employers' Group**, represented by the Employer Vice Chairperson preferred a principles-based Recommendation only, emphasising regulatory flexibility, diversity of business models, risks of overregulation, concerns that binding standards could undermine innovation, MSMEs, and job creation. They argued that some platform relationships fell outside the ILO's labour mandate and into commercial or civil law. **Governments** were divided. The EU and several Latin American and African states supported C+R, arguing that minimum international standards were necessary while still permitting national flexibility. States including the United States, India, Japan, Switzerland, China, Bangladesh, and others supported a Recommendation-only approach, citing rapidly evolving technologies, diversity of national contexts, large informal economies, and concerns regarding excessive regulatory rigidity.	detail should largely remain within the accompanying Recommendation. The ILO Office shortened and simplified the draft instruments substantially prior to the 114th ILC, and replaced several sections from Convention to Recommendations, reducing the level of prescription in several areas. This was done in response to concerns raised by governments and employers regarding ratifiability, implementation, and the rapidly evolving nature of platform work. These developments reflect tensions regarding the future governance of digitally mediated labour, the limits of international labour governance, the governability of algorithmic work, and whether platform work should be treated as an exceptional category requiring softer regulation. The outcome ultimately points toward a **"minimum consensus" model** of international regulation. More important, however, is the position taken by several actors. **India** argued that a Convention could impose excessive regulation on a rapidly expanding sector central to livelihoods in countries with large informal workforces, ultimately **"threatening livelihoods."**[6] Similar views were voiced by Bangladesh. It is interesting to note that several member states, including India, Pakistan, as well as the Employers' Group continued to voice preference for a Recommendation even after the form of instrument was adopted. However, with a broad consensus on not reopening the agreed text, this issue is unlikely to be a topic of discussion in the upcoming 114th session.

[6] Report of the Standard-Setting Committee on Decent Work in the Platform Economy (initially 2 July, but revised after comments), ILC.113/Record No. 6B. 30 July 2025

<table>
<tr><th colspan="2">Accelerated Amendment Procedure</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr><td>Several concerns regarding the continuously evolving nature of the platform economy, automated systems, and platform business models were discussed, bringing up the possibility of a simplified and accelerated amendment procedure,[7] which would allow specific provisions of the Convention to be revised without requiring formal renegotiation or ratification. The central disagreement concerned whether the proposed Convention should be:
● a stable and durable labour standards instrument, or
● a more adaptive framework capable of evolving alongside technological change.

Workers' representatives initially supported retaining the provision, viewing adaptability as important in a rapidly evolving platform economy. Several governments, including Mexico, Chile, Australia, and initially Barbados on behalf of CARICOM, similarly acknowledged the relevance of future-proofing the Convention.

In contrast, Employers consistently opposed the mechanism, arguing that accelerated amendment procedures were appropriate only for highly technical sectors such as maritime regulation and not for substantive labour rights obligations, emphasizing the risk of recurring compliance burdens. They emphasized that the "principle-based" instrument should remain stable, general, and durable. Several governments including China, India, the United States, Switzerland, Japan, Türkiye, Argentina, and Pakistan ultimately supported deletion of this point, citing continuous legislative and administrative burdens.</td><td>Following extensive debate, the simplified and accelerated amendment procedure was ultimately deleted from the proposed Conclusions during the 113th session.

The debate exposed competing visions of how platform work should be governed internationally. The balance being negotiated at the ILO is between the permanence of non-negotiable decent work standards and the need for flexibility for the evolving technological environment.

Second, the repeated invocation of a "principle-based Convention" took precedent. If the instrument is to follow a less prescriptive principles-based approach, this would inevitably limit operational detail, and the need for rapid amendments, while still preserving national discretion. In that case, an accelerated amendment procedure wouldn't be necessary

Third, the deletion of this point was a strategic bargain over negotiating priorities due to limited discussion time during the 113th session. Workers agreed to a strategic compromise to delete the point in exchange for securing additional time on provisions concerning automated systems, algorithmic management, and data governance.

With a 'principles-based' approach now garnering broad consensus, this is unlikely to be renegotiated in the upcoming conference.</td></tr>
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[7] Inspired by the Maritime Labour Convention, 2006 (MLC, 2006)

<table>
<tr><th colspan="2">Digital Labour Platform</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr>
<td>The negotiations over the definition of “digital labour platform” became one of the most significant disputes within the standard-setting process. Key disagreements emerged around whether digital labour platforms should be defined as entities that:
● “organize” work,
● merely “facilitate” or “offer the opportunity to connect,”
● or both organize and facilitate work/services.

The debate also extended to:
● whether the definition should explicitly reference algorithmic and automated systems,
● whether both online and location-based platform work should be covered,
● whether workers receive “remuneration” or merely “payment”,
● and how should platform activity be defined without unintentionally capturing ordinary digital businesses, marketplaces, telecom providers, or job boards.

Workers’ representatives strongly agreed that platforms “organize work,” arguing that they actively structure labour processes through task allocation, ratings, behavioural monitoring, and algorithmic management systems. They also pushed to retain explicit references to “automated monitoring or decision-making systems”, remuneration, and both online and location-based forms of work. This was supported by several governments including Brazil, Mexico, Chile, Canada, Barbados, and at multiple stages members of the Africa Group. Brazil notably argued that recognizing that platforms “organize work” did not automatically imply the existence of an employment relationship, but merely reflected the operational realities of platform-mediated labour.

Employers’ representatives opposed wording that could imply</td>
<td>The final negotiated text retained a broad definition of digital labour platforms without explicitly defining platforms as employers:
● “organize and/or facilitate” work or services,
● use digital technologies and automated systems,
● and encompass both online and location-based platform work.

References to automated systems were preserved, though in narrowed form. The Office clarified that the term “organize” referred to activities such as: assigning tasks, issuing instructions, guiding work processes, and managing labour through platform infrastructures. At the same time, the Office emphasized that the instrument was not intended to cover: ordinary job boards, passive marketplaces, social media platforms, or businesses merely advertising services online.

The language reflects an attempt to exclude purely passive intermediaries while still covering platform models that exercise meaningful organizational control over labour. Importantly, the Committee rejected the Employers’ preferred “neutral intermediary” framing.

However, subsequent observations submitted for the Blue Report revealed that disagreements over the scope of the definition remained unresolved beneath the formal consensus. Many governments, including Australia, India, Japan, the United States, and several EU member states, preferred “organizes and facilitates,” reflecting concerns that “and/or” remained broad. Workers’ representatives continued to oppose “and/or,” arguing that it created ambiguity and legal uncertainty, while employers maintained preference for narrower and more technologically neutral language.

These disagreements on definitions are fundamentally disputes over</td>
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<tr><td>employer status or expand legal liability. They repeatedly proposed softer and more technologically neutral formulations such as: “offers the opportunity to connect,” or “facilitates connecting.” Employers also sought removal of references to automated monitoring systems and preferred the term “payment” over “remuneration,” arguing that the latter implied formal employment relationships. These concerns received support at different stages from governments including India, Pakistan, Argentina, Japan, Switzerland, and the United States.

The United States emerged as a key facilitator of a compromise, emphasizing that platforms may simultaneously organize work, and facilitate services, without necessarily creating automatic employment relationships. The European Union pushed for a narrower and more ratifiable definition limited to platforms that: organize work, facilitate services, and use automated systems. Australia played a bridging role by proposing the eventual wording “organizes and/or facilitates.”

India’s interventions focused particularly on avoiding language that could imply automatic formal employment relationships. India opposed the use of “remuneration,” preferred “payment,” and emphasized the need for flexibility to accommodate diverse platform models within large informal economies.</td><td>the extent of governance and liability. Questions such as whether platforms merely “facilitate” work or actively “organize” it carry implications for:
worker classification
legal responsibility
algorithmic control
and the future scope of labour regulation in digitally mediated economies
The text recognizes that platforms exercise forms of organizational control over labour, while simultaneously preserving ambiguity regarding the precise legal consequences of that control.

There is broad consensus on avoiding the reopening of agreed text but disagreements on the definition of Digital Labour Platform remain. This may continue to be a hindrance in further negotiations or produce grey areas on compliance and liability.</td></tr>
<tr><th colspan="2">Digital Platform Worker + Worker Classification</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr><td>The definition of “digital platform worker” determines who falls within the scope of international labour protections. Should the Convention apply only to workers in formal employment relationships or extend protections to all persons performing platform work regardless of classification? The conflict reflected broader disagreements over:
employee vs. self-employed status,
misclassification,
the possibility of creating a “third category” of workers,</td><td>The negotiations ultimately retained a broad and inclusive definition of “digital platform worker” and the amendment was withdrawn.

The final compromise retained language covering platform workers:
irrespective of their classification or status in employment,
while relying on the phrase “classification of status in employment” as a politically negotiated middle ground.</td></tr>
</table>

- and whether labour protections should depend on legal labels or the actual organization of work based on primacy of facts.[8]

The Office consistently supported a broad and inclusive approach, relying on the ILO's **established drafting principle that the term "worker" generally applies to all workers unless explicitly restricted**. The proposed definition prior to the 113th session therefore focused on: persons engaged in platform work, and/or performing paid work through digital labour platforms, irrespective of their status in employment. This approach intentionally avoided the employee/independent contractor binary and instead emphasized the realities of platform-mediated labour.

Workers' representatives strongly opposed attempts to narrow the definition to workers in "employment relationships." They argued that:

- many platform workers are classified as self-employed while being economically dependent,[9]
- limiting protections to employees would legitimize misclassification,
- and the Convention's purpose was precisely to address protection gaps affecting workers excluded from traditional employment categories.

Workers also resisted efforts to create separate legal categories such as "persons performing platform work" or "self-employed platform workers," arguing that fragmented definitions could weaken universality and create hierarchies of protection.

This position received broad support from **governments** including Australia, Brazil, Canada, South Africa, Uruguay, several Latin

The Office repeatedly clarified that:

- "engaged" is broader than "employed,"
- and "status in employment" is an internationally recognized statistical category encompassing employees, self-employed workers, and other categories.

Importantly, the Committee avoided formally creating a "third category" of workers within the instrument. The final negotiations did not delve into the process of how employment status should ultimately be determined within national systems. **Workers' representatives** and supporting governments largely pushed toward a functional understanding of labour based on the realities of platform work, while employers and several governments emphasized preserving existing distinctions within labour and commercial law.

Looked at closely, the negotiations expose competing models of platform governance:

- a **universalist approach** seeking protections across all forms of platform work,
- versus **a differentiated approach** where obligations vary according to employment status and national legal systems.

An important disagreement emerged around whether governments should be permitted to exclude or partially exempt platform workers outside employment relationships from portions of the Convention. The EU and supporting governments framed this as necessary flexibility for ratification, while workers and many Global South governments viewed it as a dangerous pathway toward diluted protections.

[8] The "primacy of facts" principle assesses employment relationships based on the actual conditions and organization of work rather than contractual labels or formal classification.

[9] The ILO Office's first report (V1) notes that transportation and delivery constitute the largest location-based platform work sectors. While online platform work is often supplemental income, 84 per cent of transport workers and 90 per cent of delivery workers reported it as their main source of income, with average weekly working hours reaching 67 and 59 hours respectively.

<table>
<tr><td>American states, and members of the Africa Group. Many governments emphasized that self-employed workers with low autonomy were often the workers most exposed to decent work deficits.

Employers' representatives and several governments sought clearer distinctions between employees and independent workers, repeatedly emphasizing that: existing labour and commercial law systems depend on distinctions between employees and self-employed persons, not all platform work involves subordination or control, and the Convention should not interfere with commercial relationships falling outside labour law.

The European Union proposed a two-tier structure distinguishing a broad category of "persons performing platform work," from "digital platform workers" in employment relationships. The EU framed this as necessary for ratifiability across different national legal systems. Similar concerns were raised by the United States, Switzerland, Japan, GCC countries, and others, who argued that labour systems vary significantly in how employment relationships are defined.</td><td>India opposed attempts to limit protections only to workers in employment relationships, arguing that platform work within Indian law already exists as a distinct category outside traditional employment frameworks and supported broader protection regardless of formal classification. At the same time, India also emphasized flexibility and national autonomy in determining employment status.

While the broad worker definition survived the 113th Session, tensions surrounding self-employed platform workers, employment classification, and differentiated protections remain unresolved and are likely to re-emerge during the 114th Session negotiations.</td></tr>
<tr><th colspan="2">Remuneration / Payment</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr><td>The debate over "remuneration" versus "payment" emerged across multiple parts of the draft instrument.

The first dispute appeared in Article 1(d), which deals with the definition of the income platform workers receive for their work. The debate was over whether this income should be described using the term "remuneration," which is usually associated with employment relationships, or the broader "payment" that could also apply to self-employed and independent platform workers.

Workers' representatives strongly defended the use of</td><td>The negotiations ultimately moved toward a compromise formulation using both "remuneration" and "payment," particularly in Article 1(d), which now defines earnings according to workers' "classification of status in employment." This formulation avoided explicitly privileging either an employment-based or purely commercial understanding of platform work while allowing the instrument to cover both employees and non-employees. There was relatively broad consensus around this and the definition was adopted.

However, the debate did not end at the definition stage. In response to extensive government comments on the length and prescriptiveness of</td></tr>
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"remuneration," arguing that platform work constitutes labour and should not be considered otherwise. Several governments including Mexico, Brazil, Chile, Canada, and Namibia (Africa Group) similarly argued that "remuneration" could apply broadly to labour income beyond formal employment relationships.

Employers, alongside governments including **India**, **Pakistan**, and at times the **United States**, argued that "remuneration" traditionally implied an employment relationship and therefore risked indirectly redefining self-employed platform workers as employees. **India** in particular preferred "payment" or "payment/payout," emphasizing that many platform workers bear operational expenses and work outside traditional wage structures.

The debate also became tied to broader questions concerning:
- reimbursement of operational costs;
- deductions, commissions, and platform fees; and
- whether obligations concerning transparency in earnings and deductions should remain within the binding Convention or be shifted into the flexible Recommendation.

A **second** conflict emerged in the separate chapter on remuneration that has not yet been discussed in the committee and remains undecided. Although the conflict is evidenced through responses to the questionnaire compiled in Report V4 prior to the 114th session (draft Articles 9 and 10). Several **governments** and **Employers** argued that detailed obligations concerning deductions, expenses, and information disclosure risked making the Convention overly prescriptive and difficult to ratify across diverse national labour systems. Governments including **India**, the **United States**, **Pakistan**, **Canada**, **Japan**, and others generally preferred greater flexibility and supported moving more detailed operational provisions into the Recommendation.

Workers' organizations and several **governments** including the earlier remuneration provisions in V3, the Office substantially restructured the remuneration chapter prior to the 114th Session. Current draft Articles 9 and 10 remain bracketed (undiscussed), and will be at the centre of the upcoming session.

The revised structure reflects a layered regulatory approach:
- Article 9(1) establishes general principles applicable to all platform workers;
- Article 9(2) creates stronger obligations specifically for workers in an employment relationship, including minimum wage protections and compensation for work-related expenses; and
- Article 9(3) encourages Members, "to the extent possible and as appropriate," to progressively extend these protections to workers outside employment relationships.

Rather than resolving the underlying 'classification of workers' conflict, the Office attempted to build protections around employment status, preserving flexibility for national legal systems.

Following the drafting pattern, the Office shifted several detailed operational provisions concerning deductions, fees, commissions, and payment transparency toward the Recommendation while retaining broader principles in the Convention.

The negotiations also revealed continuing tensions around work-related expenses. Workers and several governments argued that platform workers' actual income conditions cannot be understood without accounting for fuel, internet, equipment, maintenance, and other operational costs. Employers resisted stronger obligations, arguing that self-employed workers often bear their own business expenses and that platforms may lack the capacity to determine individualized costs across different jurisdictions. The Office itself acknowledged drafting inconsistencies after the Committee split "remuneration" and "payment" into separate concepts without fully revising related expense language.

<table>
<tr><td>Belgium, Brazil, Spain, Uruguay, and Italy resisted this shift, arguing that deductions, commissions, opaque payment systems, and unreimbursed work expenses are central features of platform work and therefore require stronger Convention-level protections.

Another important disagreement concerned whether reimbursement for work-related expenses formed part of “remuneration/payment” or should remain conceptually distinct from labour income. This would create drafting inconsistencies regarding whether exclusions for expenses applied equally to both terms.</td><td>The remuneration/payment debate became one of the clearest illustrations of the Convention’s struggle to regulate platform work without settling the employment classification question itself. The emerging framework attempts to construct protections around the reality of work performed while preserving legal flexibility for different national systems and categories of platform labour.</td></tr>
<tr><th colspan="2">Algorithmic Management and Automated Systems</th></tr>
<tr><th>Main Conflict</th><th>Outcome and Analysis</th></tr>
<tr><td>Whether algorithmic and automated systems should be treated as a core labour governance issue within the Convention, or as a broader technology and data governance issue. The debate centred around:
transparency obligations regarding automated systems,
the extent of platform disclosure duties,
trade secrets and intellectual property concerns,
regulation of automated decision-making affecting work,
and whether algorithmic governance falls within the ILO’s mandate.
The United States initially introduced an amendment seeking deletion of this point entirely, arguing that automated systems were not unique to platform work, that terms such as “algorithms” and “automated systems” were overly broad and vague, and that disclosure obligations could conflict with intellectual property protections. India supported deletion, warning that binding obligations could burden MSMEs, overregulate an evolving sector, and shift the ILO into broader technology governance.</td><td>Amendments to this point were either withdrawn or rejected, and the point was ultimately adopted largely in the original Office form.

However, in the revised draft instruments (V4), broad obligations relating to transparency, labour rights protections, human review, and data safeguards were largely retained within the Convention, while more operationally detailed provisions, including specific examples relating to discrimination, psychosocial risks, prohibited data processing, and detailed safeguards, were shifted into the Recommendation.

The negotiations revealed one of the most crucial points of dispute in the standard-setting process. Workers, many governments, and the Office framed algorithmic management as a labour governance issue because automated systems now directly organize, supervise, evaluate, and discipline labour. Employers, alongside states such as India, Japan, Singapore, and at stages the United States, repeatedly framed these questions as broader technology governance matters lying partly outside the ILO’s mandate.</td></tr>
</table>

In contrast, **Workers' representatives**, supported by Australia, the EU, Mexico, Brazil, Chile, Canada, the Africa Group, Barbados, and several others, argued that algorithmic management is central to the platform economy because automated systems directly shape pay determination, ratings and evaluations, access to work, monitoring and surveillance, and deplatforming or account suspension. **Workers** consistently emphasized that the issue concerned labour rights and working conditions rather than disclosure of source code or proprietary technologies. **The Office** repeatedly clarifying that the provisions did not require disclosure of algorithms, source code, or trade secrets, but only transparency regarding how automated systems affect working conditions and labour.	The outcome suggests an emerging international consensus that **algorithmic management cannot be separated from labour regulation** where automated systems shape core working conditions. At the same time, the movement of technical and operational safeguards into the Recommendation reflects an ongoing effort to balance labour protections with concerns around innovation, flexibility, ratifiability, and regulatory overreach. The Office also confirmed that this would become **the first ILO instrument** to contain provisions specifically addressing automated systems.

While the table above focuses primarily on those provisions that were debated, negotiated, or provisionally adopted during the 113th Session and reflected across Reports V2, 6B, and V4, several other major issues remain unresolved and are likely to become central sites of contestation during the 114th Session.

Beyond definitional disputes surrounding digital labour platforms, digital platform workers, and remuneration, disagreements also emerged around freedom of association and collective bargaining, occupational safety and health protections, social protection obligations, data governance and privacy, jurisdictional questions arising from the cross-border nature of platform work, and the division of responsibilities between workers, platforms, and Member States.

Major disagreements also emerged around references to the "formal" and "informal" economy. Workers' representatives, Latin American states, and the Africa Group argued that many platform workers continue to experience conditions associated with informality despite operating through digitally mediated systems and therefore required explicit recognition within the instrument. Employers, by contrast, argued that platform systems themselves contribute to formalization through digital registration, traceability, and recorded transactions. Similarly, unresolved tensions remain regarding the extent to which obligations concerning social protection, occupational safety and health, freedom of association, collective bargaining, and platform accountability should apply equally to workers outside formal employment relationships.

Across the negotiations, the Office adopted a layered drafting strategy in response to these disagreements: preserving broad normative principles within the Convention while relocating more detailed, operational, or politically contested obligations into the Recommendation. As a result, the emerging instrument increasingly reflects an attempt to balance universality and flexibility, labour protection and national sovereignty, as well as technological specificity and principle-based regulation, without fully resolving many of the underlying conceptual tensions (worker classification, employment relationships) surrounding platform work.

The Road to the 114th International Labour Conference

India's Key Positions

Within the negotiating landscape, **India occupied a critical position**. One would think that as the world's largest platform labour market,[10] India's positions would have been indiscriminately inclined towards pro-worker approaches, but on several occasions, India (among other developing economies like Pakistan and Bangladesh) tended to adopt a sovereignty-conscious, implementation-sensitive, and flexibility-oriented approach toward platform regulation, much in consonance with Employers' Group. India's interventions display the difficult position occupied by large developing digital economies within global labour governance negotiations. It is simultaneously:

- one of the world's largest platform labour markets;
- a major supplier of digital labour globally;
- and actively positioning itself as a global digital hub.

This creates friction between labour protection, economic realities, and the priorities of developing states in the global order. India is not simply acting as a "pro-platform" or "anti-regulation" actor. Rather, it appears to be advocating for a model of platform governance that prioritizes national discretion, and flexibility while remaining cautious of highly prescriptive international obligations. Rather than opposing labour protections outright, India repeatedly resisted language that could indirectly expand employer obligations, imply employment relationships, or constrain domestic regulatory flexibility before national legal frameworks and platform business models fully stabilize.

For instance, India opposed attempts to narrowly define platform workers only through employment relationships, arguing that Indian law already recognizes platform work as a distinct category outside traditional employment structures. At the same time, during negotiations on remuneration, India initially preferred the term "payment" or "payout" over "remuneration," arguing that many platform workers bear substantial operational costs and do not fit conventional wage-employment structures. In discussions on automated systems, India warned against imposing mandatory disclosure obligations that could burden smaller enterprises and overregulate a rapidly evolving sector.

These examples reveal a tension in India's position that is emblematic of developing countries that are often at the receiving end of high regulatory costs due to highly informal and unstable labour markets, as opposed to more stable and developed economies. In practice, India's position appears to reflect an attempt to balance three overlapping priorities:

- protecting policy flexibility for a rapidly expanding domestic platform economy;
- avoiding premature international obligations that may constrain evolving national frameworks;
- and preserving space for digital economic growth, innovation, and MSME participation

[10] Report (V1) cites the Online Labour Index 2020, according to which India accounted for 26.9 per cent of workers on major online labour platforms globally.

What Happens Next?

Has Been Agreed During the 113th Session	Yet to Be Discussed at the 114th Session
Definitions of Digital Labour Platforms, Digital Platform Worker, intermediary, and “remuneration” or “payment”. Scope of the Convention including a provision on National Level Exclusions where necessary. Impact of the use of automated systems: Article 12 dealing with the obligation on Member States to ensure that platforms ‘inform’ workers about any use of automated systems in their work and the impact it may have on their working conditions. This information must be relayed prior to their employment or engagement. However, the article on ensuring that these automated systems do not infringe workers’ Fundamental Principles and Rights at Work, including a written explanation and human review clause, still remains bracketed, and will be discussed in the 114th session. These above mentioned provisions have been agreed and provisionally adopted unless there is a motion to reopen agreed text.	Freedom of Association, Social Dialogue, and the Role of Employers’ and Workers’ Organizations; Occupational Safety and Health; Violence and harassment; Employment Promotion; Classification in Respect of the Existence of an Employment Relationship; Remuneration or Payment; Social Security; Impact of the Use of Automated Systems; Protection of Digital Platform Workers’ Personal Data and Privacy; Suspension or Deactivation of Account and Termination of Employment or Engagement; Terms and conditions of employment or engagement; Protection of migrants and refugees; Dispute resolution and remedies; Compliance and enforcement; No less favourable treatment; Implementation All provisions of the draft Recommendation remain bracketed, having not been discussed in the 113th Session, and are set for further consideration in the upcoming 114th Session.

The ILO is gradually moving toward a governance model that attempts to **decouple labour protections from formal employment status while simultaneously avoiding highly prescriptive obligations on platforms themselves**. Rather than fully resolving whether platform workers are employees, self-employed workers, or something in between, the negotiations increasingly focus on regulating the *effects* of platform-mediated work, algorithmic control, remuneration systems, working time, surveillance, and access to work, irrespective of formal classification.

Furthermore, the ILO's approach of preserving broad principles in the Convention while shifting detailed provisions into the Recommendation carries consequences. Several of the most substantive obligations debated during the 113th Session have been streamlined or relocated by the Office in Report V4. These are expected to be at the centre of negotiations:

- Detailed provisions on freedom of association and collective bargaining in Fundamental Principles and Rights at Work (FPRW) was moved from the Convention into the Recommendation;
- platform-specific OSH duties were reduced and increasingly routed through Member States rather than directly imposed on platforms;
- preventive steps associated with long hours of work and insufficient rest periods shifted to Recommendation
- detailed data-processing restrictions and operational safeguards were shifted toward softer Recommendation language;
- and several provisions concerning psychosocial risks, algorithmic harms, and worker responsibilities were diluted or relocated to Recommendation.

Several politically sensitive issues are expected to dominate the next phase of negotiations.

- **The treatment of self-employed and non-employee platform workers** will likely remain one of the most contested questions. Employers and several governments continue to push for differentiated obligations tied to employment classification, while Workers and supportive governments argue that platform control and economic dependency often persist irrespective of legal labels.
- **The Convention versus Recommendation divide** is expected to become increasingly significant. The 113th Session already demonstrated growing pressure to relocate detailed obligations into softer Recommendation language. This tension is likely to intensify around OSH, automated systems, data governance, and collective bargaining rights.
- **Algorithmic governance:** disagreements remain unresolved regarding transparency obligations, human review rights, trade secrets, and platform accountability for algorithmic harms.
- **Questions of implementation capacity and developmental flexibility** are also expected to become more prominent. Governments including India repeatedly raised concerns regarding MSME burdens, administrative feasibility, and the risks of overregulating rapidly evolving sectors.

The existing framework still struggles to adequately capture the realities of highly varying platform sectors. Conditions associated with online freelancing, ride-hailing, delivery work, domestic platform labour, and emerging subscription-based transport models differ substantially. The current draft instrument often treats "platform work" as a relatively coherent category despite major differences in work organization, dependency, geographic location, and income structures.

Similarly, important questions remain underdeveloped:

- whether current tripartite structures adequately represent vulnerable app-based transport and delivery workers themselves that form the highest proportion of platform workers;
- whether traditional companies following national labour laws remain at a disadvantage compared to platforms (as stated by the Worker Vice Chairperson, Report 6B);
- whether rapidly evolving platform infrastructures such as SaaS, IaaS, and PaaS models fit within existing definitions;
- whether the double-discussion procedure is sufficient or the possibility of forming a standing committee may be explored;
- and whether a principles-based instrument can effectively govern increasingly cross-border and datafied forms of work.

The 114th Session is therefore likely to determine not only the final structure of the instrument, but also the broader direction of global labour governance in digital economies. The negotiations increasingly suggest that the final Convention may emerge as a hybrid instrument: broad enough to establish international legitimacy for regulating platform work, but flexible enough to preserve substantial national discretion regarding implementation, classification, and enforcement.

Note:

This report forms the first part of FSL's two-part analysis on the proposed ILO Convention on Decent Work in the Platform Economy. A subsequent report will examine the proceedings of the 114th session, and assess the implications of the final negotiations.

Future Shift Labs

NEGOTIATING DECENT WORK IN THE PLATFORM ECONOMY

Key Developments and Expectations from the 114th Conference at the International Labour Organization (ILO)

EXPLAINER AND ANALYSIS

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