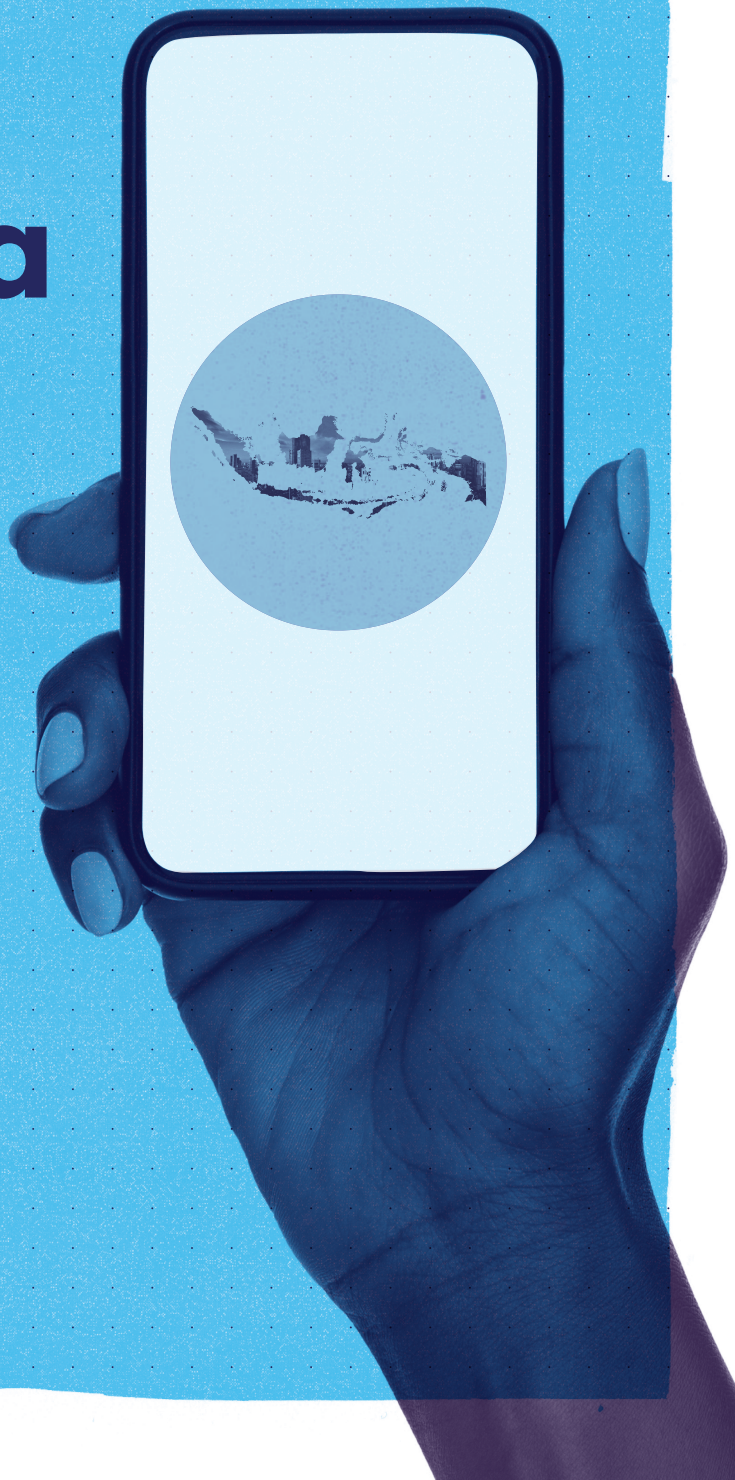
Fairwork

LABOUR STANDARDS IN THE PLATFORM ECONOMY

Indonesia 2022 Ratings



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Executive Summary

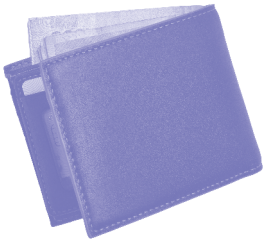
Indonesia's platform economy—based on workers completing short-term tasks through digital platforms—has been associated with rapid growth and significant contribution to the national economy. At the same time, platform work is associated with a rise in precarious and unfair working conditions. To help address this, the global Fairwork project, which works to improve pay and conditions in platform economies across the world, has been joined by an Indonesian partner; the Center for Digital Society in the Faculty of Social and Political Sciences, Universitas Gadjah Mada, Yogyakarta.



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Key Findings

This report presents the second year of Fairwork ratings for Indonesia by the Center for Digital Society, evaluating 11 of the most prominent platforms in the country—Grab, Gojek, Maxim, InDriver, TravelokaEats, Shopeefood, Lalamove, Borzo, Paxel, Deliveree and Gobox—against the five global principles of Fairwork: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Key findings for this year include:



FAIR PAY

No evidence was found for any platform paying all workers a fair wage once workers' logged-in hours and work-related costs are taken into account.



FAIR CONDITIONS

Four of the evaluated platforms protect workers from risk with accident insurance, emergency helplines, access to health insurance and other wellbeing initiatives.

We were not able to evidence such initiatives from the other platforms. None of the platforms have a sick pay mechanism that effectively compensates workers when they are unable to work due to illness.



FAIR CONTRACTS

Most of the platforms have clear, accessible terms and conditions for workers.

Gojek, Gobox, and Grab were also able to evidence that workers are notified within a reasonable timeframe should there be changes to terms and conditions. None of the platforms was able to evidence that the terms and conditions fairly shared risks and liabilities between workers and platforms.



FAIR MANAGEMENT

Grab, Gojek and Gobox have documented channels for communication with workers. In the case of deactivation, workers are also able to seek clarification from management even though they no longer have access to the platform.

Grab, Gojek, and Gobox also have a clear and actionable policy on reducing work barriers for women and for people with disabilities. They have documented policies in place that seek to protect their workers from discrimination on grounds including race, ethnicity, religion, and gender identity. Within the drivers' app, these three platforms also explain the mechanism underlying order payments, and have a map feature which shows areas that have more potential orders. We were not able to evidence these from other platforms.



FAIR REPRESENTATION

Some worker associations are actively engaging with the platforms but they are not formally recognized by law or publicly recognized by the platforms. As a result, no platform was able to evidence fair representation of workers.

Our second year report highlights the dynamics within the Indonesian platform economy during the past year since our first report. From the legal context, this starts with the government's continuous efforts in regulating platform-based motorcycle transportation. Back in 2019, for example, the establishment of the law Permenhub 12/2019 was seen as a victory for motorcycle ride-hailing platforms and their workers, as the government finally provided some formal legal recognition and a regulated baseline fare for their services. In September 2022, in response to the government's reduction of fuel subsidies and the related rise in fuel prices, the Ministry of Transportation updated this law with a new regulation that will raise the floor and ceiling price for motorcycle ride-hailing transportation. This decision, though, has not been without challenge as there has been ongoing public pressure to postpone it. In this report, we also discuss how workers manage the challenge of depending on platforms for their income yet at the same time disliking management by algorithm; sometimes by finding subtle ways to respond to the algorithm. We look at long-term platform workers: those who have stayed on their platform for more than five years and who are much older than the norm. Older workers find opportunities in platform work, given that alternative employment routes are often closed off by overt or covert age discrimination. But they have also seen their income potential fall over time as criteria for earning bonus payments are tightened up. A final trend observed has been the emergence of ESG (environmental, social, and governance) initiatives by platforms in Indonesia though, as yet, the promise of the social component to help workers seems greater than the delivery.

This report is the result of a second year of evidence-gathering in Indonesia. Overall, our ratings for 2022 reflect that there is still much to be done to ensure fairness in Indonesia's platform economy. Our findings call for coordinated efforts and measures from regulatory bodies, platform companies, as well as workers and customers. We must ensure that the peculiarities of this emerging business model are not used as an excuse to create a sector that is unsustainable for Indonesian workers and society. We call on platforms, workers, customers, and government to rethink and reimagine a better and fairer platform ecosystem for all.

Score Summary

The ratings achieved by the platforms in Indonesia vary but all lie at or below the half-way mark of possible scores. Because of their dominance in Indonesia's platform economy, we have focused in this report on ride-hailing, logistics, and delivery services. Grab, Gojek (which includes its four-wheel and two-wheel drivers) and Gobox scored four points, Maxim (which includes its four-wheel and two-wheel drivers) achieved one point, and there was insufficient evidence to award any points for InDriver, TravelokaEats, Shopeefood, Lalamove, Borzo, Paxel, and Deliveree.



Andri wahyudi / Shutterstock

Fairwork Indonesia Scores 2022

		Minimum standards of fair work
Grab	4/10	●●●●○○○○○○
Gojek	4/10	●●●●○○○○○○
Gobox	4/10	●●●●○○○○○○
Maxim	1/10	●○○○○○○○○○
Borzo	0/10	○○○○○○○○○○
Deliveree	0/10	○○○○○○○○○○
InDriver	0/10	○○○○○○○○○○
Lalamove	0/10	○○○○○○○○○○
Paxel	0/10	○○○○○○○○○○
Shopeefood	0/10	○○○○○○○○○○
TravelokaEats	0/10	○○○○○○○○○○

The breakdown of scores for individual platforms can be seen on: www.fair.work/id

EDITORIAL

Towards Fair Work in Indonesia

The platform economy in Indonesia has increasingly become a subject of academic and policy debates in recent years. The size of the market and also rising numbers of platform workers have invited debate at the national as well as international level, with some platforms expanding their activities into neighbouring countries.

While there have been several studies that focus on the ability of this sector to recruit workers and potentially create new employment, there have also been challenges faced by the workers regarding their working conditions. This situation has created further questions on whether these types of jobs are truly sustainable, and whether they are making a positive difference to Indonesia's society and economy. Using Fairwork's structured rating system, this study tries to assess the overall working conditions in Indonesia's platform economy.

The assessment we report here includes services from 11 different platforms operating in Indonesia: Gojek, Grab, Maxim, InDriver, TravelokaEats, Shopeefood, Lalamove, Borzo, Paxel, Deliveree and Gobox. The work was undertaken by the Center for Digital Society (CfDS) in the Faculty of Social and Political Sciences, Universitas Gadjah Mada, Yogyakarta, in collaboration with the Oxford Internet Institute at the University of Oxford, UK; the Centre for Digital Development at the University of Manchester, UK; and other academic institutions from more than 30 countries in which Fairwork operates (see Figure 1). We assessed evidence based on the five Fairwork principles through a combination of desk research and in-depth interviews with workers and platform representatives in Jakarta; only awarding a point when there was clear and sufficient evidence in support of a principle. All scoring was undertaken on a collaborative basis by the whole Indonesia team, followed by external peer review from members of the central Fairwork group and Fairwork members from other countries.

The three sub-sectors where the platform economy is particularly thriving in Indonesia are transportation, logistics, and delivery, and these form the focus for our Fairwork ratings in this report. The platform economy in Indonesia saw early adoption of the ride-hailing applications, Uber and GrabTaxi, in 2014. However, for the past seven years, and especially with Grab's acquisition of Uber's local operations in 2018, Indonesia's platform economy has been dominated by the two platforms, Gojek and Grab. Competition between the two may have had some positive effects. Indeed, as reflected in our first- and second-year Fairwork scores for Grab and Gojek, this competitive mirroring may have prompted a "race to the middle": when one platform adds some beneficial feature for workers, the other seems to follow suit. This process has yet to result in adherence to all of Fairwork's principles—it is not yet a "race to the top"—and other downsides of duopoly are evident, given the difficulty for new local startups to compete in the current transportation and/or food delivery sectors, as most of the platforms used by Indonesian customers are operated by these two major players. Despite this duopoly, this

year we did include some new entrants such as the food delivery services Shopeefood and TravelokaEats, which compete with the existing services offered by Grab and Gojek's two-wheel drivers. However, as reflected in their lower scores, we are yet to find evidence that these new competitors offer better conditions for workers compared to the incumbents.

This report highlights the difficulties and challenges experienced by Indonesian platform workers, ranging from the absence of labour rights (as most of them are not classified as having an employment relationship with their platform under Indonesia's Manpower Law), the absence of formally-recognised worker unions, and poor working conditions. We also discuss several other interesting insights from our study, including workers' responses to management by algorithm, and initial assessment of the environmental, social, governance (ESG) initiatives that are starting to emerge from platforms in Indonesia.

Notwithstanding some progress at the margins, working conditions in Indonesia's platform economy fall far short of even basic thresholds for decent work. The lack of workers' official representation has hampered efforts to address the situation. Most platform workers in the Indonesian transport sector are organised only into locality-based informal communities which do not have any legal standing with their companies. Although there have been initiatives for engagement between these informal associations and platforms, there exist several frictions even among workers themselves on representation. As a result, the workers' movement overall is fragmented and associations face difficulties in scaling up their membership. Despite these barriers, it is still possible to have an impact. For example, Gojek's revocation of its policy against worker demonstrations was prompted by an online petition initiated by the Asosiasi Driver Online (ADO; i.e. the Online Driver Association). This success might also be attributed to the active participation of customers and even fellow workers from other platforms that shared the information and signed the petition. This case has only strengthened our belief that collaboration between all stakeholders is indispensable if working conditions are to be improved in Indonesia's platform economy.

Overall, the Fairwork scores in this report suggest that pay and working conditions in Indonesia's platform economy fall well short of decent work standards, and that reforms are needed in order to develop a fairer and more equitable platform economy. We hope that this report will shed light on the conditions of platform workers and establish broader efforts and support across sectors and levels—including government, platforms, workers, and customers—to create better working conditions for Indonesia's platform workers.

FAIRWORK INDONESIA TEAM

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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 could 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 and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in more than 30 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

Fairwork countries

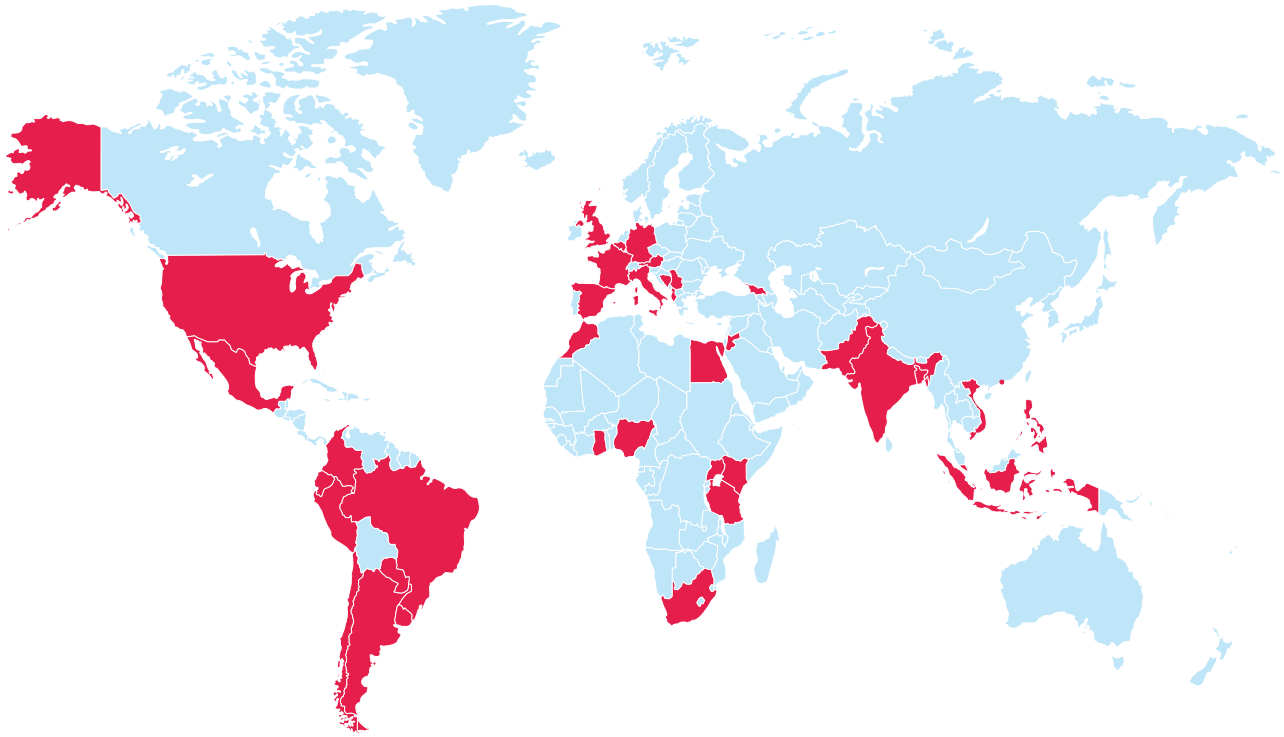


Figure 1. Fairwork currently rates platforms in 39 countries worldwide.

AFRICA

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

ASIA

Bangladesh, Hong Kong, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Vietnam

EUROPE

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

SOUTH AMERICA

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

NORTH AMERICA

Mexico, USA

The Fairwork Framework

Fairwork evaluates the working condition of digital platforms and ranks them on how well they do. Ultimately, our goal is to show that better, and fairer jobs are possible in the platform economy.

To do this, we use Fairwork's five principles that digital platforms should comply with in order to be considered to be offering 'fair work'. We evaluate platforms against these principles to show what the platform economy is, and what it could be.

The five Fairwork principles were developed in multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Indonesian context, we then revised and fine-tuned the criteria for measuring these in consultation with platforms, trade unions, regulators, academics, and labour lawyers in Jakarta.

The principles are explained next, and 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 after taking account of work-related costs and active hours worked. 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. They should take proactive measures to protect and promote the health and safety of workers, including compensation for workers who are unable to work due to sickness or injury.



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. Workers should be notified of proposed changes in a reasonable timeframe before changes come into effect. The contract should be free of clauses which unreasonably exclude liability on the part of the platform, and which prevent workers from seeking redress for grievances.



Fair Management

There should be a documented due process for decisions affecting workers. Workers must have a clear channel of communication and the ability to appeal management decisions affecting them, such as disciplinary actions and deactivation, and be informed of the reasons behind those decisions. The use of algorithms must be transparent and not result in inequitable 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 have mechanisms that enable workers to have a meaningful say in the conditions of their work.

STEP 2

Methodology Overview

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

We recognise that not all platforms use a business model that allows them to impose certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all platforms have the ability to influence the way in which users interact on the platform. Therefore, for platforms that do not set the terms on which workers are retained by service users, we look at a number of other factors including published policies and/or procedures, public statements, and website/app functionality to establish whether the platform has taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

In the case of a location-based work platform, we seek evidence of compliance with our Fairwork principles for location-based or 'gig work' platforms, and in the case of a cloudwork platform, with our Fairwork principles for cloudwork platforms.

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 also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up 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.

The desk research is also used to identify points of contact or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process.

Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This 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 managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

The third method is interviewing platform workers directly. A sample of 6-10 workers are interviewed for each platform. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews enable the Fairwork researchers to see copies of the contracts issued to workers, and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place on the platform.

Workers are approached using a range of different channels. The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub)principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the platform for more than two months. In Indonesia, we undertook our worker interview sample in the Greater Jakarta area.

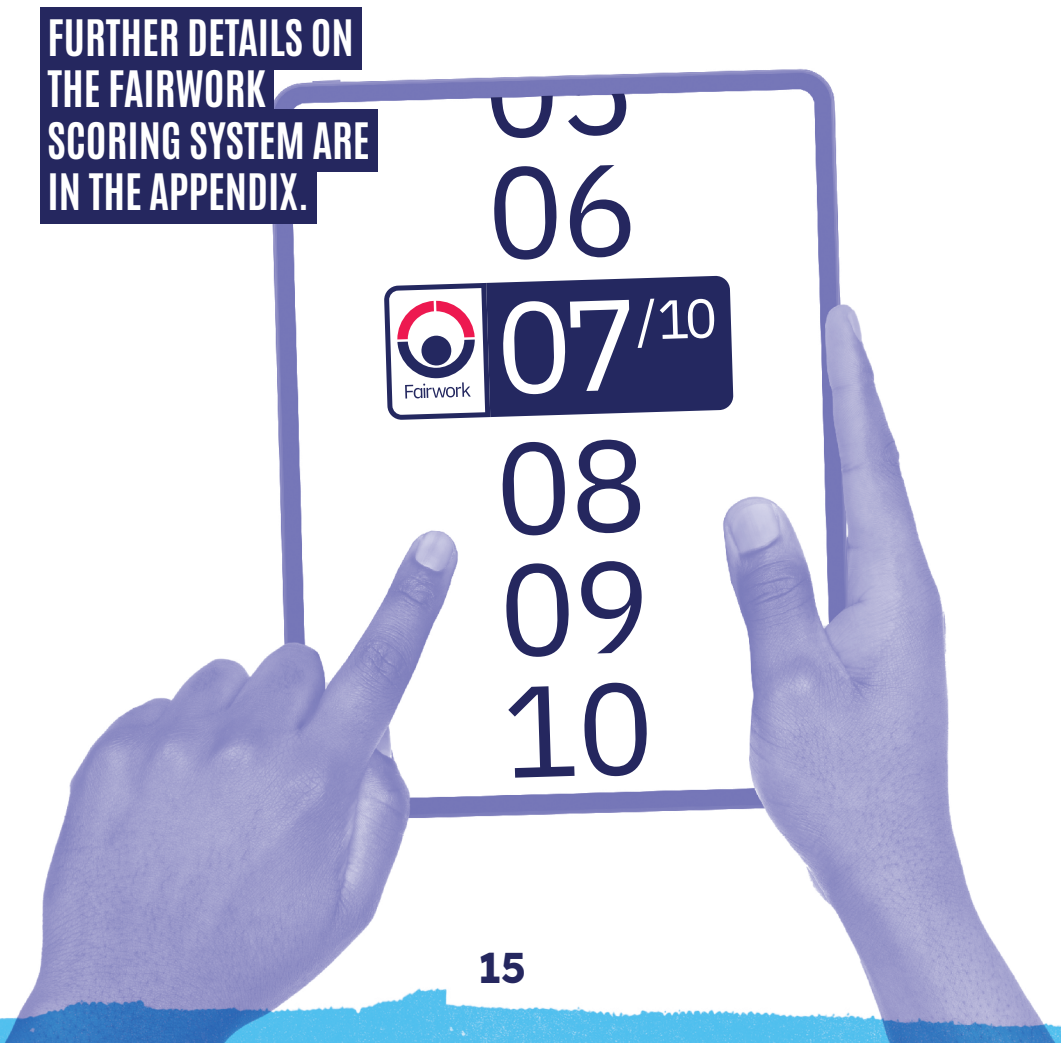
Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative 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 clear 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 not – for whatever reason – able 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. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are then 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 reports.



COUNTRY BACKGROUND

Overview of the Indonesian Platform Economy

Indonesia's digital economy has flourished in recent years. The gross merchandise value for the digital industry was estimated at US$ 44 billion in 2020, with the value expected to almost triple to US$ 124 billion by 2025.[1]

Transport and food delivery services contributed US$ 5 billion to this total, and are projected to reach US$ 16 billion by 2025—second only to e-commerce. This means that the platform workers who work as ride-hailing drivers or delivery couriers are at the forefront of Indonesia's digital economy. According to one estimate, there are more than 2.5 million motorcycle-based platform workers, and a fifth of Indonesia's population has used at least one motorcycle-based service.[2]

THERE ARE MORE THAN 2.5 MILLION MOTORCYCLE-BASED PLATFORM WORKERS, AND A FIFTH OF INDONESIA'S POPULATION HAS USED AT LEAST ONE MOTORCYCLE-BASED SERVICE

The rise of platform-based work in Indonesia was propelled in 2015 by the launch of Gojek's mobile application and the expansion of Grab's ride-hailing services into the Indonesian market. Grab and Gojek quickly became the biggest players in transportation and delivery services, commanding approximately 64% and 35% of Indonesia's market, respectively, in 2019.[3] In addition to these two giants, Uber was also one of the main players in Indonesia's platform economy before ceasing its operations in 2018 after its acquisition by Grab. Two other ride-hailing companies, both originating in Russia—Maxim and InDriver—entered the Indonesian market in 2018 and 2019, and quickly expanded beyond the capital city, although their overall market share remains much smaller than that of Grab and Gojek. Several local apps have recently been set up. These are mostly city-based, such as JogjaKita (a delivery app in Yogyakarta), KO-JEK (a taxi/delivery app operating in West Kalimantan), and OKEJEK (a multi-service app found in Malang, Ngawi and Surakarta). The operational realities of such local apps are unclear: many are still lacking in terms of functionality compared to existing platforms, such as the user interface of the application and the accuracy of the maps provided.

Some platforms have started ESG (environmental, social and governance) initiatives this year. An environmental example is the introduction of e-scooters for two-wheeled taxi and food delivery.[4] This move is in line with the current government strategy to establish Indonesia as a regional electric vehicle hub by 2030.[5] ESG presents challenges in a competitive market and we discuss this below as one of this report's 'Themes in Focus'.

99% OF DRIVERS REPORTED DECREASING INCOME DUE TO COVID-19

Finally, we must note the continuing impact of COVID-19. For example, delivery couriers usually work in shifts and are compensated according to the number of packages that they successfully deliver on time. During the pandemic, the delivery sector grew significantly as courier usage increased by more than 50%, due to the rise in demand from customers.[6] However, couriers have often become overworked due to having to deliver so many packages within a day. Logistics companies and their workers have been similarly impacted by the rise in online transactions. This is in contrast to the ride-hailing sector, where 99% of drivers reported decreasing income due to COVID-19.[7] Two years after the start of the pandemic, Indonesians have adapted to the "new normal", shifting many everyday practices that require face to face interaction to online processes, including online commerce. Bank Indonesia predicts that, during 2022, the utilisation of e-commerce platforms will have increased by nearly one third to more than US$ 35 billion.[8]



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THE LEGAL CONTEXT

What makes a Worker an Employee?

From a labour law perspective, not much has changed since last year's report was published. Most gig platforms in Indonesia still classify their workers as 'partners'; a misclassification that has been criticised due to the inequalities of control and employment dependency between workers and platforms in most platform work relationships

However, labour regulation has not made any notable developments to deal with this issue. Even the revision of Law Number 13 of 2003 on Manpower, the basis of labour regulation in Indonesia, which was revised through Law Number 11 of 2020 on Job Creation, did not mention the issue of platform workers.

This does not mean that the Indonesian government has made no progress on the legal basis regarding gig platforms. Since most gig platforms in Indonesia offer online-transportation services, newer regulations related to gig platforms have mostly emerged from the Ministry of Transportation. There are two main regulations which currently govern the online-transportation business: Regulation of the Minister of Transportation Number PM 118 of 2018 (Permenhub 118/2018), which regulates car ride-hailing; and Regulation of the Minister of Transportation Number PM 12 of 2019 (Permenhub 12/2019) which regulates motorcycle ride-hailing.

Rofiqi (2020) argues that these two regulations sent a message that the Indonesian government was finally trying to regulate the platform economy seriously.[9] It was especially true for Permenhub 12/2019 because this regulation was the first to mention motorcycle ride-hailing services. To put it in context, under Indonesian transportation law, it is actually forbidden to use motorcycles as public transportation. Thus, motorcycle ride-hailing services were always positioned in a grey area: they could not be regulated as their use was actually forbidden, yet they continued to be allowed to operate in reality. Therefore, Permenhub 12/2019 was seen as a victory for motorcycle ride-hailing platforms and their workers, as the government finally provided legal certainty for the services.

However, if we look at the substance of the regulation, it is clear that this is more like a win for the platforms instead of the workers. That is because, even though the law aims to provide safety protection for the utilisation of motorcycles in ride-hailing services, most of the burden falls onto drivers, not the platforms. For example, the fulfilment of safety and security aspects mandated in Permenhub 12/2019 was mainly addressed as a responsibility of the drivers, leaving very few obligations for the platforms.


Arya Manggala / Shutterstock

Another issue with this regulation is that it very narrowly covered only motorcycle ride-hailing services, omitting other motorcycle-related services offered by gig platforms, such as food delivery or courier services. Consequently, the per-kilometre payment tariff set up via this regulation to give workers better leverage against platforms does not apply to all workers. As an illustration, Gojek has at least four motorcycle services: GoRide for ride-hailing, GoFood for food delivery, and GoSend and GoKilat for courier services. The rules regarding minimum and maximum tariffs set up in Permenhub 12/2019, which were then specifically calculated in the Decree of the Minister of Transportation Number KP.348 of 2019 (Kepmenhub 348/2019), are only applicable for the GoRide service, and not for GoFood, GoSend or GoKilat. This issue has triggered massive protests by workers on a number of platforms.[10]

Recently, Kepmenhub 348/2019 was revoked and changed into Kepmenhub 564/2022, which was supposed to come into effect on 14 August 2022. This new law calculates a higher tariff for motorcycle ride-hailing services and has been highly anticipated by drivers. However, it was rejected by consumers, who felt that the increase in rates would be too high. For example, a survey by the Research Institute of Socio-Economic Development found that the majority of consumers were against the rising tariff and pleaded with the government to review the proposed increase.[11] Due to public pressure, the Minister of Transport then postponed the enforcement of Kepmenhub 564/2022 until further notice.[12] At the same time, fuel prices in Indonesia have increased by about 30% since the beginning of September 2022, due to cuts in government energy subsidies.[13] Therefore, the drivers now desperately need the tariff increase to compensate for their significantly-increased costs due to the fuel price hike.

WHILE THERE HAS BEEN SOME PROGRESS IN THE REGULATIONS REGARDING THE PLATFORM ECONOMY IN INDONESIA, IT HAS NOT RESOLVED THE MAIN ISSUE RELATED TO WORKING CONDITIONS.

Overall, while there has been some progress in the regulations regarding the platform economy in Indonesia, it has not resolved the main issue related to working conditions.[14] Permenhub 118/2018 and Permenhub 12/2019 even blindly describe the relationship between platforms and drivers as a partnership, despite prominent critics regarding this as a misclassification. Therefore, it can be argued that the current legal context has not been able to bring about an improvement in line with Fairwork's five core principles of decent work, and that further legislative change is needed.

Fairwork Indonesia Scores 2022



The breakdown of scores for individual platforms can be seen on: www.fair.work/id

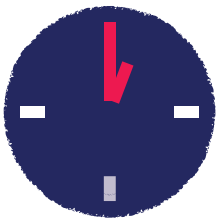
Explaining the scores

The ratings achieved by the platforms in Indonesia vary, but all lie at or below the half-way mark of possible scores, and many are zero—indicating that significant progress must be made before platform work in Indonesia can be called fair.



Fair Pay

Despite working long hours, many workers can't earn even the local minimum wage. Workers have to put in additional hours to cover their expenses for fuel, vehicle maintenance fees, internet costs, and sometimes lease of their vehicle. Some were earning as little as Rp 5,000 per hour compared to the regulated minimum hourly living wage of Rp 19,783. Taking into account logged-in hours and work-related costs, none of the platforms was able to evidence mechanisms to ensure that their workers could obtain more than either the local living or minimum wage (note that, in Indonesia, the terminologies of living and minimum wage are reversed compared to most countries).



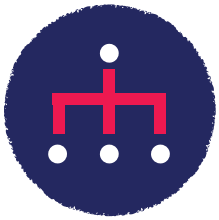
Fair Conditions

Grab, Gojek, Gobox, and Maxim had policies and practices to protect workers from risks arising at work, including accident insurance and emergency helplines. They also provided further support for workers that could include some form of access to health insurance, sick pay compensation (though restricted to those infected with COVID-19), access to food and services discounts, training for workers and families, and other wellbeing initiatives. We were not able to evidence this set of initiatives from the other platforms, and none of the platforms we rated were providing pay compensation for workers who more generally are unable to work due to illness or injury.



Fair Contracts

Grab, Gojek, and Gobox had clear, accessible terms and conditions for workers that were subject to Indonesian law. These platforms were also able to evidence that workers are notified within a reasonable timeframe should there be changes to terms and conditions. However, none of the platforms was able to evidence that these terms and conditions fairly shared risks and liabilities between workers and platforms.



Fair Management

Grab, Gojek, and Gobox have a clear and documented mechanism and policy for communication channels between workers and platforms that extends to workers who have been deactivated from the platform and who wish to appeal that decision. Grab and Gojek have also developed policies and initiatives that seek to address key local discriminations and inequities. For example, they have a clear and actionable policy on reducing work barriers for women and for people with disabilities. They also have documented policies in place that seek to protect their workers from discrimination on grounds including race, ethnicity, religion, and gender identity. Within the drivers' app, these three platforms also explain the mechanism underlying allocation of orders and calculation of income, plus a map feature which shows areas that have more potential orders. We were not able to evidence these things from other platforms.



Fair Representation

While there are informal collectives that are established by workers, there is not yet any formal, legally-recognised basis for worker representation. Initiatives to create a forum or discussion channel between platform and workers are largely controlled by platforms. Some platforms still forbid workers to join any political strikes – thus impacting workers' rights – especially while wearing branded items like helmets and jackets. As a result, no platform was able to evidence fair representation of gig workers.

PLATFORM IN FOCUS

Grab

Grab initially launched in Indonesia in 2014 and later acquired Uber's Indonesia operations in 2018. The platform offers a one-stop service app, including motorcycle and car ride-hailing, food delivery, and courier services, with workers fulfilling orders using their personal vehicles.

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	○ Provides a safety net	1
Principle 3: Fair Contracts	● Provides clear and transparent terms and conditions	○ Ensures that no unfair contract terms are imposed	1
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 collective worker voice	○ Supports democratic governance	○

Grab total score Fairwork **04** /10



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Based on desk research, worker interviews, and engagement with the platform, evidence was found to justify Grab being awarded a score of 4 out of 10. While this was the joint-highest score among the 11 platforms rated this year, it still means we were unable to evidence adherence to the majority of Fairwork principles.

We saw some positives. In relation to fair conditions, for example, Grab helps with some level of provision of accident and health insurance for workers alongside some other wellbeing initiatives. There is a panic/help button for use in emergencies and a documented policy dealing with use of workers' data, including data privacy. In relation to fair contracts, workers can access their terms and conditions, proposed changes are discussed with worker focus groups, and there is notification in advance of any changes coming into effect. Core benefits have tended to accumulate over time, though bonus incentives have fluctuated; often downwards. Finally, in relation to fair management, workers are generally satisfied with their ability to get in touch with platform representatives via phone, contacting the call centre direct or via the in-app button, or via direct engagement through visits to Grab offices. Even those who have been deactivated have a means to appeal. Grab has an anti-discrimination policy and, beyond just documentation, has made efforts to support the recruitment, onboarding, and work of women and people with disabilities. There have been moves to improve the transparency of algorithmic decision-making and to open up some information to workers, such as a heatmap of where most orders are to be found in a district.

GRAB'S MARKET-LEADING ROLE PUTS IT IN A STRONG POSITION TO MAKE IMPROVEMENTS IN THESE AND OTHER WAYS, AND TO SET A "GOLD STANDARD" FOR INDONESIA'S PLATFORM ECONOMY

All these issues are important to workers but their top priority is always pay. As noted elsewhere, for their ride-hailing workers, Grab follows Ministry of Transportation Decree 348/2019, which calculates a minimum per-kilometre fare. For these and other workers, however, and whatever the basis for gross fare or fee calculation, workers' waiting time to match to a suitable order is not taken into account. Adding this time to other work-related

costs—fuel, vehicle maintenance, internet package, etc.—there is no guarantee that Grab workers will always take home more than the local minimum or living wage. As a result, Grab—in common with the other 10 platforms evaluated this year—is not able to gain a score under fair pay. This is despite Grab offering a discount scheme for staple food items, vehicle maintenance and internet charges when purchased via designated Grab partner providers.

In other ways, too, Grab has yet to evidence some minimum basics of fairness at work. Whatever their dependency on Grab for their livelihoods, workers are still treated as independent entities, thus exempting the platform from liabilities and leaving workers with an unfair loading of responsibilities in disputes with either the platform or with customers. Grab's policy on collective worker voice has not really developed since our previous report, with unions yet to be formally recognised. While Grab is no different from other Indonesian platforms in these matters, its market-leading role puts it in a strong position to make improvements in these and other ways, and to set a "gold standard" for Indonesia's platform economy.



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Workers' Stories

Adam* is a courier who has worked for Lalamove for one year. Previously, he worked in a company as a quality controller. Unfortunately, during COVID-19, the company undertook mass layoffs, which caused Adam to lose his job. At that time, his monthly salary was more than four million rupiahs (more than US$ 270). Following his change to Lalamove, Adam earns around 2.2 million rupiahs per month (around US$ 150), and even this requires him to work nine hours a day for five days each week. As a consequence, Adam was forced to work on two platforms in order to earn enough for his family.

Besides working for Lalamove, Adam also works for Borzo. Like most drivers who work on two platforms at once, Adam uses a single mobile phone and activates both applications simultaneously. The first application that gives him a job is the order that he will take first, though he finds this is more often Lalamove than Borzo. He feels fortunate that neither Lalamove nor Borzo block couriers from logging on to more than one application at the same time.

Unfortunately, the platforms do not provide Adam with insurance, and he is well aware that accidents are the main risk faced by motorcycle delivery workers. Because of this risk, he decided to pay for insurance from his own pocket, even though this means a bit less income for his family each month. Even worse, the lack of sick pay means he has sometimes had to work even when he was unwell. He recounted the experience of a friend riding for the platform who had an accident. Even though injured, he could get no financial help from the platform, and so was forced to keep delivering packages.

In distributing orders, Lalamove often applies what Adam feels are unfair practices based on unclear rules. On other ride-hailing platforms such as Grab or Gojek, the orders go directly to couriers, and it is up to the courier to take them or not. However, with Lalamove, it seems to be that the platform has a greater role in determining which courier will get the orders. Some couriers do not seem to get any orders at all. Some orders seem to be directed straight to individual couriers. He even had the experience of a courier receiving an order, but the order being cancelled, and a different driver then receiving it. Even if these perceptions are based on misunderstanding of order allocation, they still lead Adam to a sense of dissatisfaction.



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Although many respondents complained about working on gig economy platforms, there were a few respondents who were simply grateful for their job. One was Safrul*, who has worked for one year as a food delivery driver for Shopeefood. On average, Safrul works 12 hours per day, seven days per week, and doing this he can earn IDR 200,000 (just over US$ 13) a day. However, just like other Shopeefood workers, Safrul also sometimes comes home with only IDR 50,000 (just over US$ 3) or occasionally with no money at all.

Even so, whatever the situation, Safrul remains grateful and happy. He knows that getting a job is very difficult, considering his age and background. He is also very happy to work on this platform because he can manage his own working time flexibly. So, whatever the policies of the platform—which have included minimal health and safety insurance and changes that reduced worker incomes—Safrul continues to work for them.

Although other ride-hailing workers held many demonstrations, Safrul never participated in such activities and he is not aware of Shopeefood workers initiating any strike or demonstration. He just keeps going online and taking orders. According to him, no matter what happens, he must not miss a single order because he has family needs that must be met.

Roy*, a 32 year-old man, has to face the reality of juggling work and taking care of his son. Earning less than IDR 16,000 per hour (around US$ 1) while working as a motorcycle driver for Grab requires him and his wife to take turns handling family matters. At times, this has included bringing his son along with him as he works. This is the only option for him since having a sitter is not affordable given his family's income. Moreover, based on his background, applying for a formal job is not realistic due to the fact that he only graduated with a high school qualification and has no experience other than some cleaning work.

Other than working to support his family, Roy has to take on extra hours to pay back the loan he took out in order to have the vehicle necessary to do the job. He estimates that he works almost 16 hours per day for seven days each week: a weekly total of more than 110 hours of work. He has become very dependent on the incentive payments provided by the platform, which encourage extra work, and yet he has no control over the level of these payments or changes to them since they are under the unilateral control of the platform.

He understands the hustle of being an independent contractor, which implies no insurance or other safety net for either himself or his vehicle. He clearly recognises the risks of working on the road, where he might get robbed, or even have an accident, but he sees this as part of the business. However, he still wishes for better conditions in terms of payments and other drivers' benefits.

***Names changed to protect worker identity**

THEMES IN FOCUS

Worker Responses to Platform Management and Income Dependency

Despite the rapid growth of platform work, the working conditions for platform workers still leave much to be desired, and workers can face unilateral decisions by their platform. For example, platforms can change their incentive scheme for bonus payments without the agreement of workers, despite their status as "partners", thereby reducing workers' take-home pay.

This raises concerns, particularly because of the dependence of workers on the platforms for their household income. For example, a study by LDFEB UI shows that platform work is the only source of income for roughly 90% of Gojek drivers.[15] On top of this, 93% of drivers have two or more dependents.

INCOME PRESSURES AND UNILATERAL MANAGEMENT BY PLATFORM ALGORITHMS MEAN WORKERS HAVE HAD TO DEVELOP STRATEGIES IN ORDER TO SURVIVE PLATFORM WORK.

Income pressures and unilateral management by platform algorithms mean workers have had to develop strategies in order to survive platform work. For example, some workers have been forced to seek income from more than one platform: around a third of our respondents work for two platforms in order to try to meet their income needs. Other strategies are manifested not only in how workers use the application, but also how they work around and learn about the algorithm. For instance, with performance ratings seen as a crucial element for securing orders, drivers on ride-hailing platforms often remind customers to give them five stars in the application. Some go even further in equipping their vehicles with extra tissues, hand sanitizers, or even snack bars for the customers. All of these seek to cater to customers' needs and increase the probability of getting five stars.

Aside from initiatives that target the customers directly, ride-hailing drivers also try to work around the algorithm. Some turn on the application early in the morning before most other drivers. Their hope is that the algorithm might detect them as someone that is 'diligent' and eager to work. Some drivers choose to move around within an



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area, believing this will get them more orders compared to staying in one place. These strategies are shared among drivers through Whatsapp groups or when they meet up with other drivers in their local communities.

WHATSAPP GROUPS HAVE BECOME THE APPLICATION OF CHOICE FOR MANY WORKERS TO SHARE EVERYDAY STORIES AND STRATEGIES, AND IT IS THROUGH THESE GROUPS THAT WORKERS ARE ABLE TO DEVELOP A SENSE OF COMMUNITY

Whatsapp groups have become the application of choice for many workers to share everyday stories and strategies, and it is through these groups that workers are able to develop a sense of community. Some told us that it also makes them become more thankful and accepting of their situation, because there are many others who share the same burden and still survive. This therefore reflects a different kind of response—rather than seeking to game the algorithm in some way, drivers become almost fatalistic and resigned to their working conditions:

"There are days where it is very difficult to get orders, but at least, my body is still able to work and I thank God for that ..."

(Dadang, 55, Grab)

One final strategy we observed is workers almost being co-opted by the platform or, at least, developing a sense of shared interests. We saw this particularly in the case of platforms that are new and not widely used by customers. It is in the interest of both these platforms and their workers that more people are aware of the apps and use them. Additionally, some platforms give incentives for drivers who put promotional materials on their vehicles. Several drivers and couriers therefore mentioned that they put the sticker of the application on their vehicles so that people are aware of the service, and they seek to promote it:

"It is also in my interest that people know about the platform, and therefore, I am able to get orders as well.".

(Ari, 32, Maxim)

THEMES IN FOCUS

Older and Long-Term Platform Workers

Platform work often has an image of younger workers operating an "easy come, easy go" approach, where they work for a platform for a short period; for example between other jobs. Our interviews, however, showed a different side, with a number of workers being older and having stayed with their platform for several years.

Indeed, platform work carries some promise for older workers. It offers a degree of flexibility in choosing the time and also the intensity of one's work. Moreover, in Indonesia, many job advertisements have an age limitation requiring new recruits to be a maximum of 30 years old, and most jobs have a compulsory retirement age. This is not the case with most gig platforms. Where there is an age limit for joining platforms, it is often 65 years of age and, once joined, there is no formal retirement age. Hence, gig platforms give opportunities for older workers to still be productive and earn money for their family; opportunities that they might not find elsewhere.

This was the case with Maman, who is 72 years old and has been delivering for Gobox for seven years. Alongside any attractions of working for the platform, he is well aware of the lack of alternative livelihoods at his age and he knows that, without the app, order levels would be much lower:

"If I do not work here [with Gobox]? Well, I probably still deliver goods with my truck, but just without application..."

Staying with one platform for many years provides workers with a longitudinal perspective. That perspective has typically seen a growth in competition and worsening of bonus schemes and incentives. Ilham (53 years old) for example, has worked for Gojek for seven years. In the course of that time, the incentive mechanism has only gotten lower and lower. He stated that in earlier times, he would work diligently to achieve points to get bonuses, but that currently the bonuses are not really worth the hassle. Likewise Mail (52 years old and also working for Gojek for seven years) feels the earlier years of easy earning are gone, and now many workers have to work extra hours to be able to fulfil their needs:

"I remember before, one of our friends can even go on hajj from the money that he saved from this job. However, now, many people have to let go of their vehicles—especially cars, because they can't pay their monthly instalments..."

Whether one sees their situation as a lock-in due to lack of alternatives or as a positive choice, these workers have

shown a long-term commitment to their platform. But there seems to be little long-term commitment from the platform in return. In a conventional work setting, for example, one might expect a pay rise or other bonus for remaining at a company long-term. But there is nothing like this with the gig platforms. Gumilang (51 years old), for example, has been working for seven years for Grab as a two-wheeler driver, but is facing having to leave the platform due to the age of his motorcycle:

"You see, my motorcycle is already old and will not meet Grab's standard for two-wheel vehicles. However, I don't know what can I do after this, maybe I will just rent my bike or move to another application that does not have any limitation of vehicle's age."

Because of the deterioration in income opportunities they have seen over the years, and the asymmetry of commitments, long-term workers are often quite vocal about the need for changes. Such workers are seen as senior and as gaining the respect of others due to their seniority. As a result, some take a lead role in worker-initiated associations. These workers can also have clear views on the need for better platform oversight and regulation. Ilham, for instance, states:

"I think Badan Pengawas Ojek Online (Supervisory Board on Online Transportation) should be established. It was being discussed once, but of course there is push and pull from many sides. This supervisory board should include the platforms (application), government, drivers, and also the business owners that sell their goods and services through the platforms".



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THEMES IN FOCUS

ESG (Environmental, Social, and Governance) Initiatives

In recent years, there has been a heightened public awareness of the negative impact of business conduct on various aspects of human life. As a result, companies are urged to embrace a more sustainable approach in conducting their business, and to put forward environmental, social and governance (ESG) efforts to mitigate the many and increasingly complex business challenges they face.

This trend has also affected gig-economy platforms around the world. For example, platforms such as Uber and Lyft, which were championed as the future of mobility, are now under scrutiny for their contribution to carbon emissions, traffic congestion, and also to the social costs linked to traffic congestion.[16] Both have therefore introduced ESG initiatives as a way to keep investors on board.



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In Indonesia, many companies have jumped onto the trend and, within the platform economy, Gojek and Grab are leading the shift towards publicising ESG principles. Gojek was the first gig-economy platform to introduce ESG initiatives in Indonesia with the release of its inaugural annual Sustainability Report in the first quarter of 2020.[17] The report listed Gojek's claimed ESG achievements and future ESG-related strategies that would help to grow their business. The ESG indicators that were used in the report were in accordance with the standards of the Global Reporting Initiative and Sustainability Accounting Standards Board. Just after Gojek's report, Grab released their first annual Environment, Sustainability, and Governance Report. Likewise, this report provided a list of Grab ESG achievements and their commitment to ESG pledges.

In terms of future aims, Gojek has stated three goals to be achieved by 2030: Zero Emissions, Zero Waste, and Zero Barriers. To achieve these goals, Gojek has introduced three initiatives: GoForward, implemented to promote socio-economic progress of Gojek drivers and partners; GoTogether, to encourage equality and inclusion to achieve its Zero Barriers target; and GoGreener, to achieve the Zero Emission and Zero Waste targets. Meanwhile, Grab aims to double the number of marginalised individuals earning an income on its platform by 2025, reaching 40% female participation by 2030, and achieving carbon neutrality by 2040.

Both companies have a rather similar approach to achieving their respective goals. For example, both have added a carbon offset feature in their app which can be used by consumers to calculate their carbon footprint. Users who want to feel they are addressing their carbon footprint can partake in a tree-planting programme by donating a certain amount of money that will be added to the platform's service fees. Gojek and Grab are also encouraging drivers to use electric vehicles (EV) instead of fossil-fuel motorcycles or cars. Drivers who shift to EV typically have to rent the vehicles through their platform. As an example, Gojek has a strategic partnership with Taiwan-based electric motorcycle manufacturer Gogoro to supply electric scooters. In addition, Gojek has built an EV manufacturing company in a consortium with PT TOBA. Meanwhile, Grab is partnering with Hyundai Group for EV supply.

Such initiatives are no doubt positive in terms of their reduction of carbon emissions from running (if not from producing) the vehicles, in terms of the carbon offset programmes (though these have often been criticised in relation to their effectiveness), and in terms of providing a positive image for the platforms. The EV initiatives, though, do require scrutiny. e-Scooters are sometimes offered rent free for a period, but after that, rental costs can be quite high: IDR 65,000 (US$ 4.4) per day for Gojek drivers, IDR 50,000 (US$ 3.4) per day for Grab, and both requiring a much more significant upfront deposit. Compared with typical daily earnings of IDR 150,000 (US$ 10), these rental costs eat quite substantially into earnings. Environmental and brand benefits are welcome from new initiatives but they should not make workers bear the costs.

MOVING FORWARD

Next steps for Indonesia's Platform Economy

This report is the second iteration of the Fairwork principles in Indonesia, and it demonstrates that there is still much to be done. As Fairwork's reach and visibility increase and as we move forward to further rounds of annual ratings, we see four avenues to improve the working conditions of Indonesian platform workers.

1. Our first and most direct pathway to improving working conditions for workers is by engaging directly with the platforms. We recommend that platforms adopt five measures to improve working conditions:

- Platforms should ensure that no worker can earn less than the minimum wage after costs. Platforms continue to engage with minimum payment guidelines via their adherence to minimum per-kilometre rates, and so ensuring minimum wage earnings should also be feasible. However, workers have reported declining incentives, i.e. bonus schemes, since the pandemic. This has forced workers to work longer hours to earn enough money for their daily needs, and even this cannot always be achieved.

- Platforms should create a transparent and even-handed process for formulating their worker policies. Platforms need to ensure that significant changes are discussed fully with workers; particularly where those changes impact income levels on which workers have come to rely. While some platforms have shown their commitment in improving transparency with their workers, many others have not implemented any significant changes to this process compared to last year.

- Workers should be granted the right to collectively voice their concerns where a platform's policy has a negative impact on their working conditions.

- Workers should also be able to appeal disciplinary decisions through a fair and accountable mechanism. Most platforms covered by this year's report have failed to show sufficient evidence for such a mechanism.

- Platforms should leverage their ESG initiatives to improve the wellbeing of their workers. Initiatives that aim to offset the environmental impact of their business should not be undertaken at the expense of their workers. Therefore, platforms need to reconsider initiatives that jeopardise workers and build more initiatives that help improve socio-economic conditions for workers.



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2. We plan to engage with the government and policy makers to advocate for the rights and protection of platform workers:

• The government needs to set a standard that would ensure workers receive at least a minimum wage after accounting for costs and waiting time, and without having to work overtime. Many Indonesian platform workers rely on gig work as their only source of income. Unfortunately, not much has been done by the government to address this issue. Therefore, ensuring fair pay for workers remains essential not only to improve their livelihoods, but also to more broadly address issues of income inequality in the country.

• The government should regulate the employment relationship between platforms and workers. Currently, Indonesian labour law does not require platforms to recognise their workers as employees. As a result, platforms tend to misclassify workers as “partners” to avoid the obligation of providing employment benefits, paid leave, company-paid insurance, pensions, etc. While full recognition of employee status is the ideal, the key issues that need to be addressed by new legislation are those reflected in the Fairwork scores: pay falling below minimum wage levels, lack of paid sick leave, lack of insurance, lack of due process or fair treatment in relation to dismissal, and lack of rights to collective representation.

3. Fairwork's theory of change draws on the understanding that human empathy is a powerful force. Given enough information, consumers can make more informed choices about the platforms they choose to interact with.

Our yearly ratings will help Indonesian consumers to use their power to put pressure on platforms, particularly by choosing to do business with platforms that provide better conditions for workers. In this way, we will enable consumers to be workers' allies in the fight for a fairer platform economy. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. The scores can serve as a reference for Indonesian institutions and companies who want to ensure that they are supporting fair labour practices and, as discussed below, they can sign up to the Fairwork Pledge.

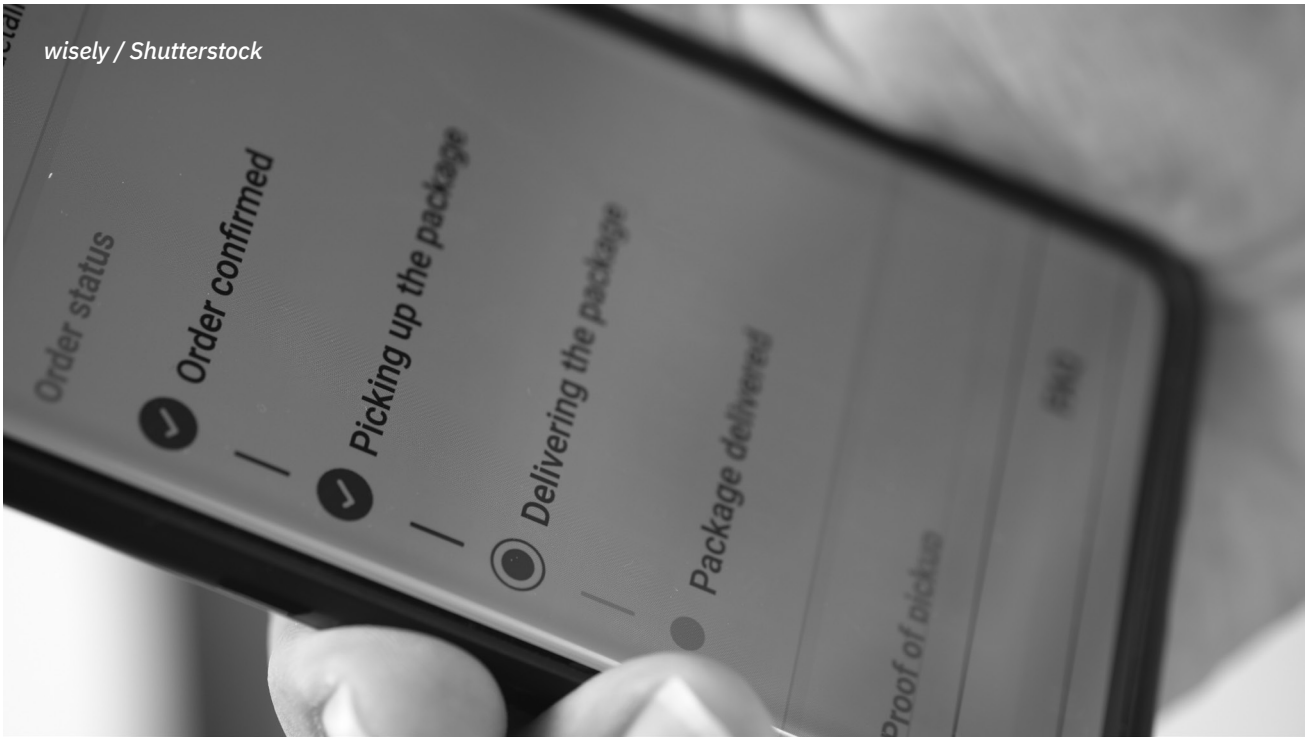


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4. Finally, and most importantly, we aim to support workers in asserting their rights and requirements in a collective way.

A key challenge in the platform economy is that workers are often isolated and placed in competition with one another, while lack of legal standing for worker associations limits their ability to project a unified voice and push for structural change. Our principles can provide a starting point for envisioning a fairer future of work, and setting out a pathway for workers' advocacy. Principle five in particular, on the importance of fair representation, is a crucial way in which we support workers to assert their collective agency. As well as seeking action by the government to change the law on collective representation of platform workers, it is workers themselves who can come together to enable change.

There is nothing inevitable about poor working conditions in Indonesia's platform economy. Notwithstanding 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 still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector enjoy. 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 need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work highlights the contours of today's platform economy and paints a picture of what it could become.



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The Fairwork Pledge

As part of this process of change, Fairwork has 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 better labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company 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.

To date, organisations in Bangladesh, Brazil, Ecuador, Egypt, France, Germany, India, Kenya, Spain, Turkey, the UK and the USA have signed up as Supporters and Partners, and we look forward to those in Indonesia following these examples.

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

FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a "digital labour platform" as an enterprise that mediates and facilitates "labour exchange between different users, such as businesses, workers and consumers"18. 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"19. 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 models20.

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, and 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 literature review of published 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 thresholds. 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 ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 12 months between August 2021 and August 2022, and are valid until August 2023.

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	Provides 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 collective worker voice	Supports democratic governance	2

Maximum possible Fairwork Score 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.21 Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.22 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, which are also considered active hours.23 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 the following:

- 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.24

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.25 26

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 steps to mitigate them.

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks.27
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

2.2 – Provides 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. 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 can achieve this point by ensuring that workers are compensated for loss of income due to inability to work.

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to ensure that workers are 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.

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.28 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 is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.

- Every worker is notified of proposed changes in 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.

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 BOTH of the following:

- Takes appropriate steps to ensure that the contract does not include clauses which exclude liability for negligence nor unreasonably exempt the service user and/or the platform from liability for working conditions.

- 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.

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 a channel for workers to communicate with a human representative of the platform. This channel is documented in a contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.

- There is a process for workers to meaningfully 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.29

- 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:

- There is a policy which ensures the platform does not discriminate 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.

- 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.

- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.

- 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. Whether or not platforms set the terms on which workers are retained by service users, platforms must demonstrate that they have taken appropriate steps to ensure that workers are informed of their rights (and have mechanisms in place to help protect those rights) and that workers are directed to appropriate collective bodies or trade unions.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union, that is clearly communicated to all workers.30
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform.31

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:

1. Workers play a meaningful role in governing it.

2. It publicly and formally recognises an independent collective body of workers, an elected works council, or trade union.

3. It seeks to implement meaningful mechanisms for collective representation or bargaining.

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21 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.

22 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.

23 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. 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.

24 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.

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

26 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.

27 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."

28 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.

29 Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.

30 For example, "[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions."

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