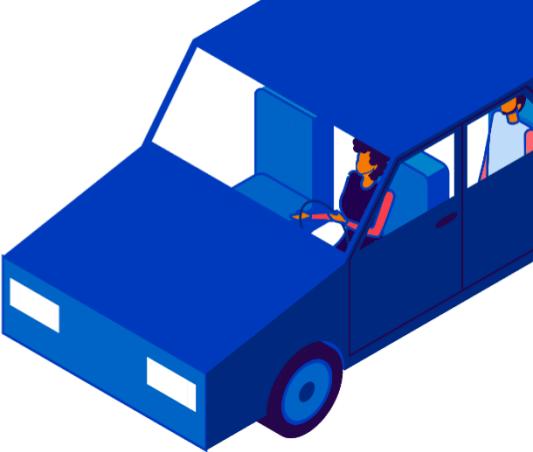
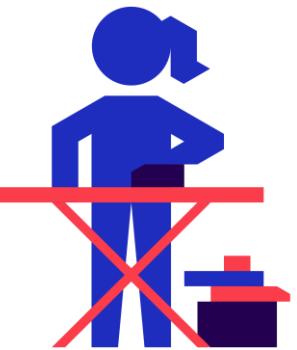




International
Labour
Organization

Abordagens globais para regulamentar o trabalho em plataformas

INWORK - 16 de Setembro de 2025



► Relatorio sobre Lei e Pratica – Jan 2023



Advancing social justice, promoting decent work

Update – Julho 2024

► Decent work in the platform economy: law and practice update

July 2024

► Key points

- The ILO report entitled *Realizing decent work in the platform economy*, ILC.113/Report VI(1), 2024 describes law and practice relating to decent work in the platform economy to early November 2023. This factsheet describes recent developments relating to new instruments¹ in Australia, Canada, China, Colombia and the United States.
- In November 2023, the Legislative Assembly of British Columbia in Canada passed legislation to amend the Employment Standards Act 1996 and the Workers Compensation Act 2019. These amendments enabled the development of regulations establishing employment standards and workers' compensation protections for certain platform workers. These regulations were announced in June 2024 and will come into effect in September 2024 and will apply to ride hailing and delivery work on app.
- Implementing guidance relating to workers who are in 'new forms of employment' was released in China in February 2024 relating to working time and remuneration, transparency and algorithms; as well as labour dispute resolution.
- In January 2024 the Australian Parliament passed a number of amendments to the Fair Work Act 2009 including provisions relating to fair work arrangements, minimum standards, orders and guidelines in relation to independent contractors who are 'home-grown' workers working via digital labour platforms. The Act also establishes rules relating to the transfer/deactivation of workers in different labour platforms.
- In Colombia, the delivery company Rappi and the Union of Digital Platform Workers for delivery drivers concluded a new agreement setting a minimum remuneration rate per order and modalities for future cooperation.
- In Minnesota, United States, new requirements have been passed into law that apply to platform work for a Transport Network Company (TNC) by a passenger transportation driver. This includes requirements relating to insurance, minimum compensation and transparency, deactivation, discrimination, and provisions relating to the use of arbitration by TNCs and drivers.

Developments in British Columbia, Canada

In November 2023, the Legislative Assembly of British Columbia passed the Labour Statistics Amendment Act 2023. The Act provides that for the purposes of the Employment Standards Act 1996 and the Workers Compensation Act 2019, online platform workers are to be considered employees and operators of online platforms are to be considered employers for the purposes of both laws.² These changes enabled the development of regulations³ coming into effect in September 2024.

¹ While every effort has been made to be comprehensive, there may be other instruments that have been adopted that are not referred to in this brief.

² Sections 2 and 9, Labour Statistics Amendment Act, 2023.

³ Order-in-Council No. 329, Province of British Columbia, Canada, 17 June 2024 amending the Employment Standards Regulation, B.C. Reg. 396/95

De 20 instrumentos legais para mais de 50

2º Update – April 2025

► Decent work in the platform economy: law and practice update

April 2025

► Key points

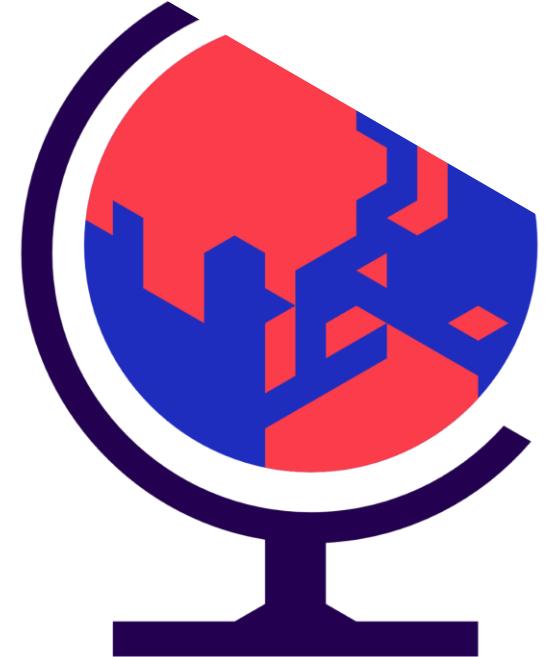
- The ILO report entitled *Realizing decent work in the platform economy*, ILC.113/Report VI(1), 2024 describes law and practice relating to decent work in the platform economy to early November 2023. This is the second factsheet¹ prepared by the Office since its publication. It describes further developments during 2024 relating to new instruments² in the European Union, Mexico, Singapore, Uruguay and the United States.
- In October 2024, the Directive of the European Parliament and the Council on improving working conditions in the platform economy was adopted.³ The Directive aims to ensure that platform workers have their employment status clarified, improve working conditions and transparency as well as protect workers in the context of automated decision-making systems.
- In December 2024, the National Congress of Mexico enacted a decree to amend the Federal Labour Law to include new provisions relating to digital platform work covering classification, requirements to be included in contracts, the use of algorithms, disputes, data protection, discrimination and other matters.
- In September 2024, the Singapore Parliament enacted the Platform Workers Act. The legislation provides for retirement benefits, work injury compensation, occupational safety and health protections as well as collective representation and collective bargaining in the ride hailing and delivery services sectors.
- In February 2025, Uruguay promulgated Law 20.396. This law sets minimum protection standards for workers performing tasks through digital platforms, focusing specifically on delivery services and urban passenger transport. It also provides for a right for self-employed platform workers to freedom of association and to enter into collective agreements.
- In April 2024, New York City Mayor and the New York City Department of Consumer and Worker Protection (DCWP) announced that the city's minimum pay rate for app-based restaurant delivery worker increased to at least \$19.56 per hour before tips.
- In November 2024, Massachusetts passed a ballot measure that establishes a State Board to allow platform workers drivers to unionize and negotiate contracts.

¹ The first factsheet published on July 31, 2024. *Decent work in the platform economy: law and practice update*.

² While every effort has been made to be comprehensive, there may be other instruments that have been adopted that are not referred to in this brief.

³ Directive (EU) 2024/2831 of the European Parliament and of the Council, 23 October 2024.

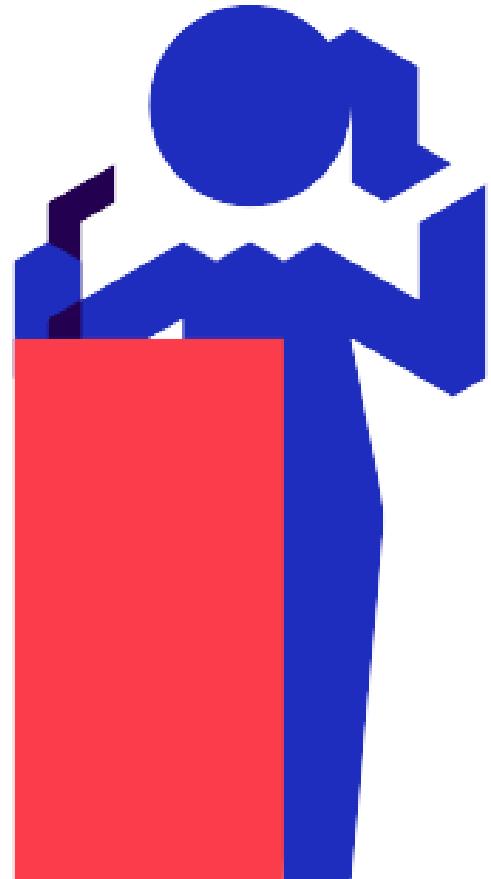
⁴ Official Gazette of the Federation (DOF), issued on 24/12/2024 (DOF-1412/2024, pages 227-228).



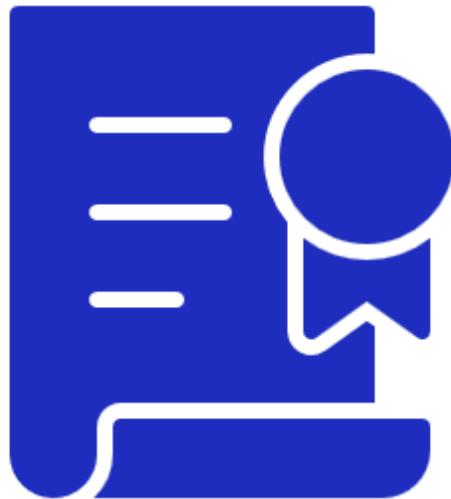
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Escopo da intervenção regulatória nos Estados-Membros

- a) alteração da legislação trabalhista existente para incluir o trabalho em plataforma
- b) legislação específica e independente sobre o trabalho em plataformas
- c) legislação setorial
- d) leis especializadas que estendem a proteção trabalhista e/ou social ao trabalho em plataformas



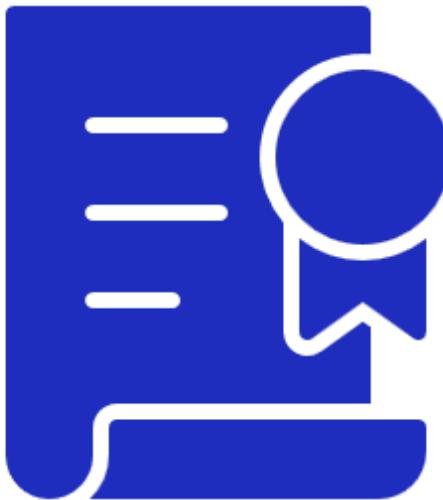
Desenvolvimentos na legislação e na prática



- ▶ Esclarecimentos sobre os critérios para determinar a existência de um vínculo laboral
- ▶ A extensão das proteções trabalhistas (por exemplo, saúde e segurança no trabalho, remuneração, tempo de trabalho) e da seguridade social.
- ▶ Definição das responsabilidades das plataformas

Extensão da proteção trabalhista e previdenciária (em várias situações, independentemente do estatuto laboral).

Segurança e saúde no trabalho

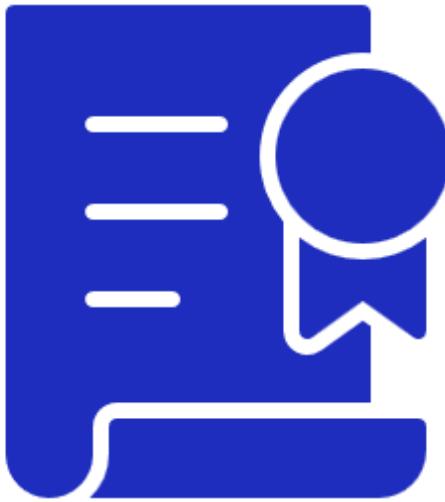


- Na República da Coreia, a Lei de Segurança e Saúde Ocupacional estende a proteção especificamente aos trabalhadores das plataformas de transporte e entrega de passageiros e afirma que as plataformas são responsáveis pelas medidas de prevenção de acidentes ocupacionais.
- Em Portugal, no âmbito da legislação de transporte de passageiros, o operador (a pessoa que presta o serviço) é responsável por observar todas as disposições legais relacionadas à saúde e à segurança no trabalho.

► Remuneração mínima como referência e regulacao do tempo de trabalho em plataformas

- ▶ **No Chile, China, Colúmbia Britânica, Canadá**, novas regulamentações estabelecendo uma remuneracao minima com establecimiento de referencias em relacao aos salarios minimos
- ▶ **Portugal, India, Washington DC, Quenia**, estabelecem periodos maximos de trabalhos para motoristas.

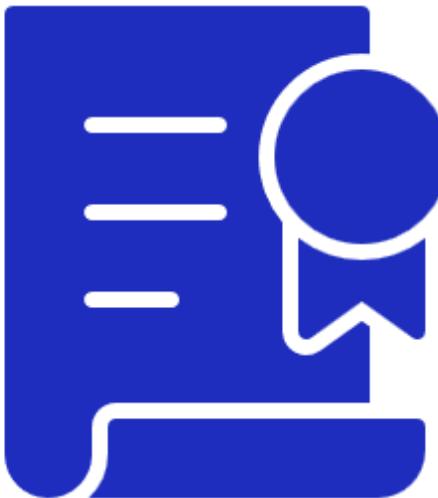
Regras relativas à desativação ou suspensão de contas de funcionários



Exemplo: Chile

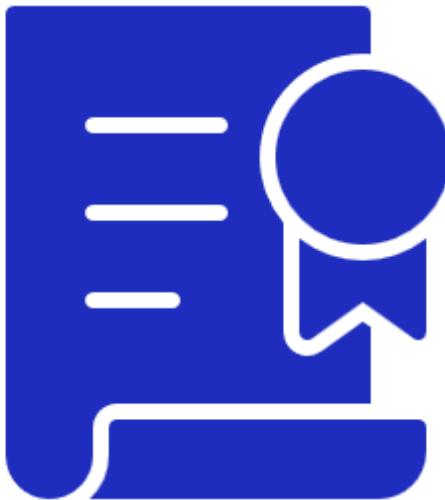
- ▶ É necessário um **aviso prévio de 30 dias** antes da rescisão do contrato, exceto em caso de violação grave por parte do funcionário;
- ▶ As plataformas são obrigadas a **comunicar a rescisão de um contrato por escrito** aos trabalhadores autônomos que tenham prestado serviços por meio da plataforma por pelo menos seis meses.

Transparência com relação ao uso de algoritmos e algumas salvaguardas para exigir a supervisão humana das decisões.



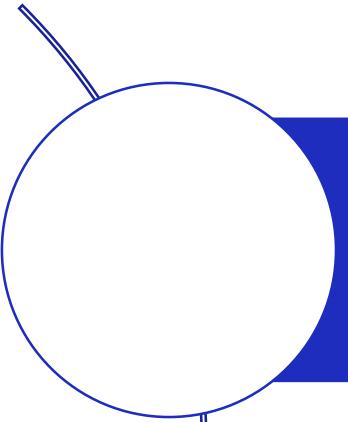
- ▶ Direito de receber uma explicação sobre uma decisão automatizada que afete suas condições (ex. Malta)
- ▶ Obrigacao de informar os representantes dos trabalhadores sobre "os parâmetros, regras e instruções em que se baseiam os algoritmos ou sistemas de inteligência artificial". Espanha, Mexico (na forma de uma politica algoritmica)
- ▶ Obrigacao de incluir uma pessoa de contato autorizada a supervisionar um sistema de gerenciamento automatizado (Croacia)

Requisitos mínimos de informação sobre os termos e condições dos contratos

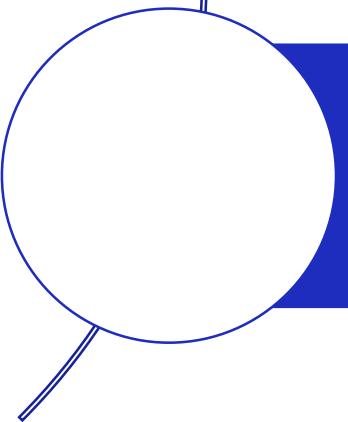
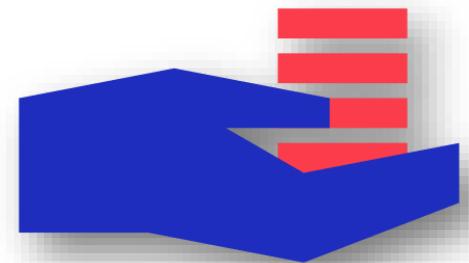


- ▶ No Chile, tanto para funcionários quanto para trabalhadores autônomos de plataformas, os contratos:
 - devem ser redigidas em linguagem clara e simples
 - contém informações sobre:
 - o cálculo da remuneração;
 - o uso de dados pessoais;
 - tempos máximos de conexão;
 - um canal oficial onde o trabalhador autônomo possa apresentar objeções ou reclamações relacionadas ao pagamento;
 - e os motivos para a rescisão de um contrato.

► Extensao da seguranca social



Nalguns paises, a estrategia passa pela
reclassificacao dos trabalhos



Outros estenderam a cobertura independentemente
da classificacao (i.e.Chile; Coreia, India, Singapura),
alguns incluindo responsabilidade de contribuicoes
de plataforms

OBRIGADO

