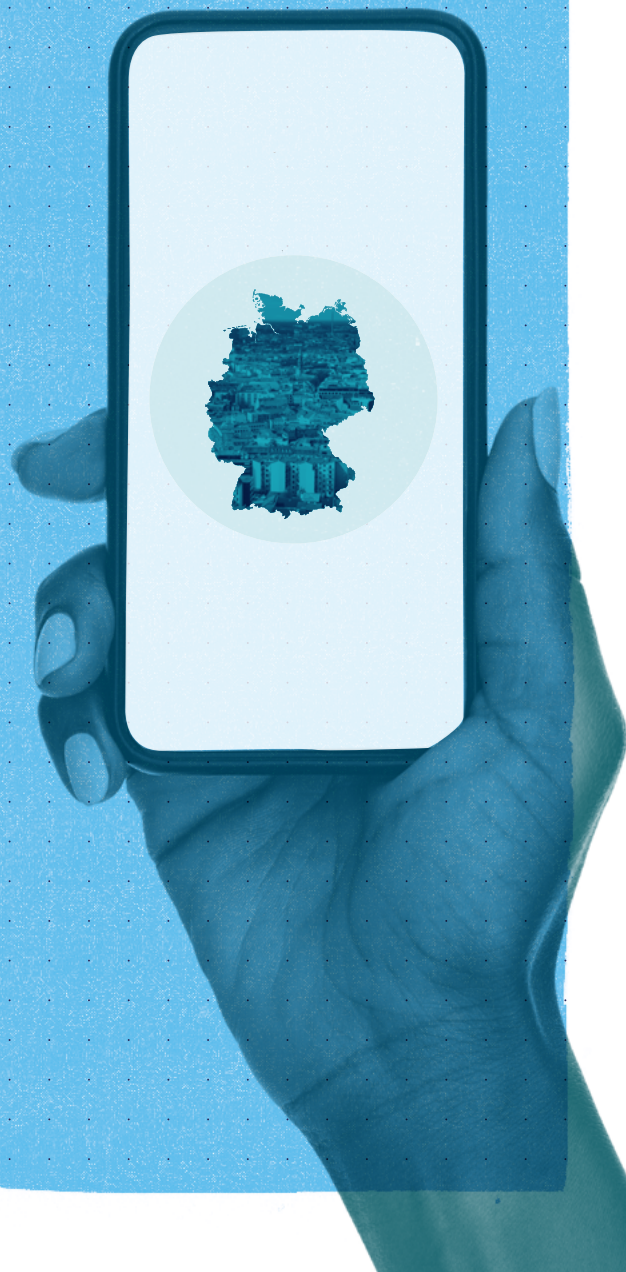


Fairwork

**LABOUR STANDARDS IN THE
PLATFORM ECONOMY**

Fairwork Germany Ratings 2026



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Fairwork Germany is supported by...



Dr. Michael Schäfer¹

State Secretary and Head of Administration in the Federal Ministry of Labour and Social Affairs

The current Fairwork report for Germany again provides important insights into platform work in Germany and highlights the associated challenges – currently especially due to the increasing use of subcontractors.

The report also shows that good working conditions are possible in platform work.

The EU directive on improving working conditions in platform work also pursues this goal. The Federal Ministry of Labour and Social Affairs is currently drafting the proposal for the implementation of the directive into German law. The findings of this year's report provide valuable assistance.

Cansel Kiziltepe²

Senator for Labour, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination in Berlin

The tough realities of working life for workers in platform work are increasingly coming into the public spotlight. That is a good thing. This is due above all to the efforts of riders in the delivery sector, who are standing up against poor working conditions. As Berlin's Senator for Labour, I stand with them. At the 2025 Conference of Labour and Social Affairs Ministers, Berlin secured a resolution calling for a legal requirement for direct employment in the delivery sector. The federal government must now take the next step and introduce legislation.

The structural circumvention of labour law is still the norm in the platform economy. Thanks to careful research such as the Fairwork Report, we can show that this has not changed this year either. And rightly, the Fairwork Report 2026 therefore calls for an end to unfair and insecure working conditions in the platform economy!

Prof. Dr. h.c. Nicola Fuchs-Schündeln, Ph.D.³

President of the WZB Berlin Social Science Center

With the Germany Report 2026, the Fairwork project presents its fourth report on the current state and working conditions in the German platform economy. The WZB Berlin Social Science Center is proud to be one of the project's hosting institutions. The latest report highlights the need for ongoing monitoring and analysis of this sector as the situation has hardly improved in the year since the previous report was published. Low wages, poor working conditions, opaque algorithmic management, and the absence of structures for collective representation continue to characterise large parts of platform work.

Recently, particular attention has been drawn to the issue of subcontracting: labour standards can be more easily undermined when workers are not employed directly by the platforms, but instead by intermediary companies. The new EU Platform Work Directive and the proposed direct employment requirement for food delivery services point to possible ways of shaping a fairer and more sustainable model. The Fairwork project's clear and transparent methodology establishes benchmarks against which the fairness of digital platforms can be assessed. In doing so, it reflects the WZB's commitment to making excellent research socially relevant.

Executive Summary

The Fairwork Germany Ratings 2026 assess the working conditions on seven digital labour platforms operating in Berlin and across Germany.

Using the Fairwork Framework, we evaluate platforms against five principles of fair work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Each principle carries up to two points, for a maximum possible score of 10.

This year's results show a highly uneven platform economy. Flink is the only platform to score strongly, with 7 out of 10 points. Helping scores 1 point, while Bolt, Lieferando, Uber, Uber Eats, and Wolt all score 0. These findings confirm that while some platforms have taken meaningful steps towards decent work, poor labour standards remain widespread in the sector.

Flink stands out because it directly employs its couriers and provides legal minimum pay, safety training, protective equipment, paid leave, sick pay, clear contracts and formal channels for worker communication and appeal. It is also the only platform in this year's sample to show evidence of due process in management and anti-discrimination measures. However, there was insufficient evidence that Flink provides a living wage and has independent worker representation.

By contrast, the other platforms in the sample showed limited or no evidence that they meet the basic standards of fair work. Lieferando, which is the dominant food delivery platform in Germany, received the highest score in last year's report, but scores 0 points this year. The significant shift reflects the company's transition from a direct employment model to a hybrid system that increasingly relies on a subcontracted workforce.

Lieferando's shift towards subcontracting aligns with last year's report's key finding that subcontracting remains the key concern, particularly in food delivery and ride-hailing

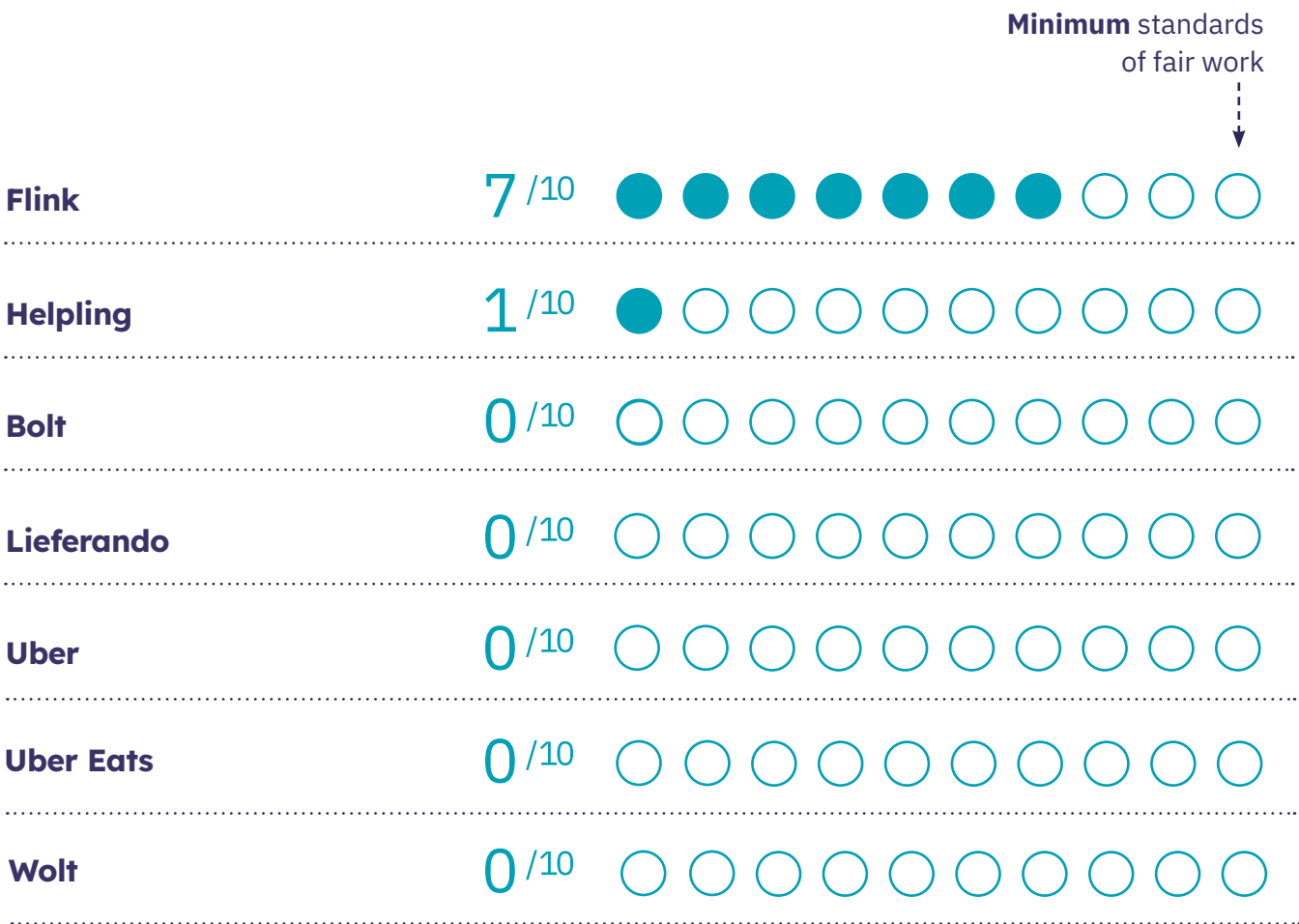
sectors. These sectors often have opaque fleet structures that can obscure responsibility and undermine workers' rights. Many workers on food delivery and ride-hailing platforms continue to face low and irregular pay, no or unclear contracts, lack of access to social protection, limited ability to challenge management decisions, and a lack of collective representation.

A major theme of this year's report is the growing political debate over whether Germany should introduce a direct employment requirement for food delivery platforms, similar to the ban on subcontracting in the meat industry. Evidence from our research suggests that subcontracting can create systemic opacity, weaken accountability, and make it difficult to enforce minimum labour standards. This year's results provide crucial inputs to the ongoing debate surrounding the EU Platform Work Directive and the need for effective protection of platform workers.

THE 2026 RATINGS SHOW THAT FAIRER PLATFORM WORK IS POSSIBLE, BUT IS FAR FROM UNIVERSAL.

Overall, the 2026 ratings show that fairer platform work is possible, but is far from universal. We call on platforms, policymakers, workers, consumers, and public institutions to use their influence to improve labour standards, increase transparency, and ensure that digital platform work in Germany becomes more secure, fair, and accountable.

Fairwork Germany Scores 2026



THE BREAKDOWN OF SCORES
FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT:
WWW.FAIR.WORK/EN/RATINGS/GERMANY

Key Findings



FAIR PAY

Only one of the platforms assessed — Flink — could evidence that they ensure workers' gross pay is at or above the minimum wage, which is €13.90/hour in Germany at the time of writing in May 2026. When assessing minimum wage thresholds, the Fairwork scores considered not only the amount paid to the worker for all hours worked, but also the cost of providing task-specific equipment and paying for work-related costs out of pocket. The scores also factored in waiting times between jobs. When extending this net calculation to consider the real living wage (assessed by wageindicator.org as €18.30/hour for Berlin⁴), no platform was awarded a second point.



FAIR CONDITIONS

Out of the seven platforms scored this year, only Flink was able to demonstrate that they take sufficient action to mitigate task-specific risks. Specifically, platforms were expected to ensure free safety equipment, emergency response systems, and free insurance covering health & safety, third-party liability, and compensation for personal equipment damaged at work. Flink was also awarded the second point because they could evidence that they ensure safe working conditions and a safety net.



FAIR CONTRACTS

Platforms in Germany follow diverse business models, resulting in a wide range of contractual arrangements, and thus, evidence of a basic level of fairness in their contracts is varied. Two platforms, Flink and Helping, could be shown to have clear and accessible contracts/terms and conditions, and were awarded the first point for having fair contracts. However, only Flink was able to evidence that it meets the second threshold, particularly that it provides algorithmic transparency, does not impose unfair contract terms on its workers, and does not unreasonably exclude liability on the part of the service user and/or the platform.



FAIR MANAGEMENT

Only one platform, Flink, could evidence an effective system of due process for decisions affecting all workers; that is, providing a clear and documented process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. Flink was also the only platform that could evidence equity in the management process. They have policies in support of equality, diversity and inclusion (EDI), and have implemented meaningful policies to combat discrimination, thus meeting the threshold for the second point.



FAIR REPRESENTATION

Collective organisation and representation are fundamental rights for workers. No platform could show evidence that there is a mechanism for the expression of collective worker voice for all workers. Similarly, no platform was able to provide evidence that workers play a meaningful role in governing the platform, and no platform showed a willingness to engage with an independent union.

EDITORIAL

A meal arrives on time, a ride appears within seconds, a cleaner can be booked in a few clicks, and groceries are delivered before the fridge runs empty. For millions of people in Germany, platform work has become part of everyday life. But behind this convenience lies a labour market marked by long hours, uncertain responsibility, and workers who often have very little say over the conditions in which they work.

This year's Fairwork Germany Report, the fourth to examine the German platform economy, reveals two very different realities. One platform, Flink, stands out for offering legal minimum pay, social protection, and stronger safeguards. Most of the others, however, still fail to show that they provide fair pay, fair contracts, fair management, or fair representation. In other words, the convenience enjoyed by customers is still too often built on insecure and opaque work for workers.

A major theme in this year's report is the growing use of subcontracting in food delivery and ride-hailing. This is not a new concern. But it became even more significant after Lieferando, Germany's market leader for food delivery, announced that it would begin using subcontractors last year, confirming the concerns raised in the previous report. With Lieferando now moving towards a model similar to Wolt's, only part of the workforce remains directly employed by the platform, while other couriers are brought in through subcontractors. Flink is now the only platform in our sample that still employs all of its couriers directly. In the rest of the sector, subcontracting has become the norm.

For workers, this often means no or inaccessible contracts, low and irregular income, poor access to communication and appeals processes to challenge decisions that affect their income, and a de facto exclusion from claiming co-determination rights. For regulators, it creates a system in which responsibility is harder to trace and labour standards are easier to avoid. For the public, it means that the convenience of app-based services may come at a hidden social cost.

There is now a growing debate in Germany about whether this model should be allowed to continue. Calls for direct employment in food delivery, inspired by the rules introduced in the meat industry, are no longer marginal: they are being discussed by workers, trade unions, works councils, and policymakers. The idea is controversial, but the problems it seeks to address are real. If a sector relies heavily and systematically on subcontracting that weakens responsibility, then stronger rules may be needed to ensure that basic labour standards are not left to voluntary compliance. Others believe that existing law and the new EU Platform Work Directive will be enough. What is clear, however, is that the current system leaves too many workers without adequate protection.

At the same time, the platform economy should not be understood only through its failures. It also shows what is possible when companies choose to organise work differently. Where platforms take responsibility, ensure proper pay, and offer safe and transparent working conditions, work becomes more stable and more humane. The challenge is not technical feasibility, but political and economic will.

As Germany enters the second year of transposing the EU Platform Work Directive into national law, the choices made now will shape the future of platform work for years to come. The key question is simple: Will the system continue to reward companies that shift responsibility away from themselves, or will it begin to protect the people whose labour makes the platform economy possible?

FAIRWORK PROJECT

Towards Decent Labour Standards in the Platform Economy

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

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

The Fairwork project is coordinated by the Oxford Internet Institute, University of Oxford, and the WZB Berlin Social Science Center. Our network of researchers has rated platforms in 41 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work. In Germany, this research is led by researchers at the Berlin Social Science Center (WZB) as part of a joint research project with colleagues from the XU Exponential University of Applied Sciences, funded by the Federal Ministry of Labour and Social Affairs (BMAS).

Fairwork Countries

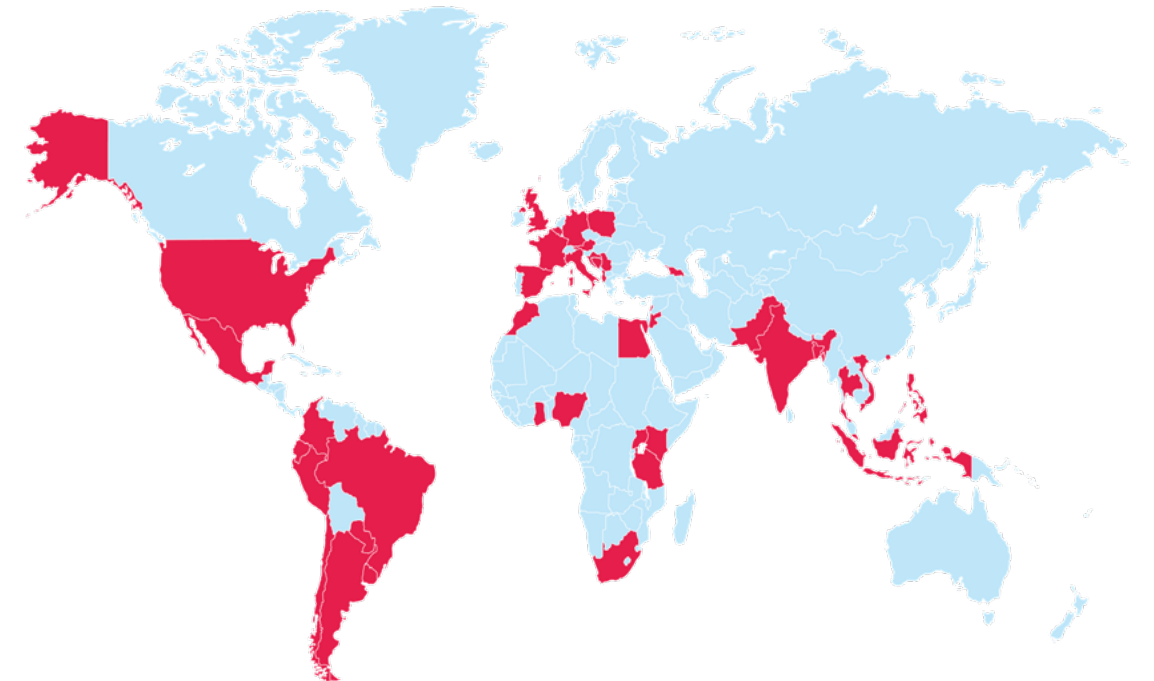


Figure 1: Fairwork Countries map

AFRICA

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

ASIA

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

EUROPE

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

SOUTH AMERICA

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

NORTH AMERICA

Mexico, US

The Fairwork Framework

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

STEP 1 The Five Principles



Fair Pay

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



Fair Conditions

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



Fair Contracts

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



Fair Management

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



Fair Representation

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

STEP 2

Methodology Overview

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

Desk research

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

Once the list of platforms has been finalised, each platform is invited to participate in Fairwork's annual ranking study and provided with information about the process. For this report, seven platforms operating in Berlin were identified and selected for the sample.

Platform evidence

The second method involves approaching platforms for evidence. Platform management is invited to submit evidence and discuss the platform's degree of compliance with each of the Fairwork principles. Evidence may include published policies and/or standard operating procedures, public commitments, and website/app functionality. This evidence provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform

managements do not agree to participate in the research, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

The third method is interviewing platform workers and their representatives directly. For this report, 56 interviews were conducted in Berlin, one of Germany's main markets for the platform economy. These interviews do not aim to be a statistically representative set of experiences. Rather, they are worker case-studies to examine platforms' policies and practices in the field as they pertain to the Fairwork principles. Specifically, they seek to gain insight into how work is carried out, and how work processes are managed and experienced, on platforms. The interviews situate platform work in the careers of workers by understanding their motivation for entry into a platform, how long they envision undertaking work on the current platform before seeking an alternative either on another platform or in a different sector, and how their experience of platform work is shaped by their interaction with fellow workers and the external labour. These interviews also enable Fairwork researchers to see copies of the contracts issued to workers and to access the app interface, including payout and support screens. This method alerts the team to the presence of issues, but not the frequency or likelihood of their occurrence.

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

Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the

opportunity to collect evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if sufficient evidence exists on each threshold.

STEP 3

How we score

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

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. Platforms are given the opportunity to submit further evidence to earn points that they were

initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork report.

Before the publication of this report, companies rated were given the opportunity to review and comment on the findings of this report. None of them shared a comment for publication.

The scores in this report rely on data collected using the Fairwork Framework as described in an earlier section. Following desk research, the Fairwork Germany team conducted 56 interviews with workers working on seven platforms in Berlin and collected evidence from the management of platforms that engaged with us. The Appendix provides further details of the evidence used to score each point in 2026 and how it was collected.

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



Fairwork Germany Scores 2026, by Principle



Principle 1:
Fair
Pay



Principle 2:
Fair
Conditions



Principle 3:
Fair
Contracts



Principle 4:
Fair
Management



Principle 5:
Fair
Representation

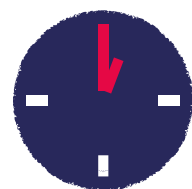
Platform	1.1	1.2	2.1	2.2	3.1	3.2	4.1	4.2	5.1	5.2	Total
Flink	●	○	●	●	●	●	●	●	○	○	7
Helping	○	○	○	○	●	○	○	○	○	○	1
Bolt	○	○	○	○	○	○	○	○	○	○	0
Lieferando	○	○	○	○	○	○	○	○	○	○	0
Uber	○	○	○	○	○	○	○	○	○	○	0
Uber Eats	○	○	○	○	○	○	○	○	○	○	0
Wolt	○	○	○	○	○	○	○	○	○	○	0

Explaining the Scores



Fair Pay

- Platforms that ensure workers are paid at least the local minimum wage in their active hours, after deducting work-related expenses from their earnings, can meet the first threshold.
- Only one – Flink – out of seven platforms could evidence that all workers' gross pay was at least the minimum wage of €13.90 in their active hours. Flink uses an employment contract that ensures a minimum wage after costs, as key work equipment is either provided or sufficiently compensated for.
- When assessing minimum wage, the scores considered the amount paid to the worker for hours worked and the cost of providing task-specific equipment and paying work-related costs out of pocket. Other costs included but were not limited to unpaid waiting times, travel costs, vehicles, petrol, mobile data, car wash, and any insurance costs.
- In terms of the living wage, no platform could evidence that they ensure workers earn at least the local living wage after costs (the living wage after costs is calculated at €18.30 for Berlin, based on estimates by wageindicator.org).⁵



Fair Conditions

- Platforms that demonstrate awareness of workers' risks and provide steps to mitigate them can meet the first threshold.
- Of this year's sample, only Flink was awarded a point for this threshold, as they could evidence that they provide accident insurance, proper safety equipment, and training, and workers do not face significant costs as a result of accident, injury or disease resulting from work.
- Flink was also awarded a point for the second threshold as there was enough evidence that the platform takes meaningful steps towards the social protection of its workers (workers receive the regular benefits associated with an employment relationship in Germany, like paid holiday and sick leave, and social security contributions) and there were no incentives for workers to take excessive levels of risk while working.



Fair Contracts

- For platforms to meet the first threshold, they must demonstrate that the contract or terms and conditions are clear and accessible to all workers.
- Two platforms – Flink and Helpling – were awarded the first point for fair contracts. This means that they could evidence that the contracts or terms and conditions are accessible, subject to German law, do not include any clauses reverting prevailing legal frameworks, and include adequate, responsible and ethical data protection and management measures, laid out in a documented policy.
- For the second threshold, platforms have to demonstrate that no unfair contract terms are imposed on workers, that workers are informed about contractual changes in a timely manner, that subcontractors are effectively monitored and evaluated, and that the algorithms used on the platforms are made transparent to workers. Only Flink could provide enough evidence to be awarded a point for this threshold this year.



Fair Management

- To meet this point, platforms must demonstrate that workers are not arbitrarily deactivated and that there is an avenue for workers to appeal disciplinary actions meaningfully.
- Communication with and support from the platform are crucial when working alone. So are processes whereby workers can appeal decisions that resulted in penalties or disciplinary actions, even when a worker no longer works for the platform. Only one platform – Flink – could evidence systems of due process and effective communication channels.

- For the additional point, only Flink could demonstrate having clear anti-discrimination policies for all workers that remove barriers to accessing working opportunities for disadvantaged groups. It also took further measures to help ensure greater equality and diversity working for the platform and was thus awarded a point for the second threshold.



Fair Representation

- For platforms to get this point, platforms should ensure freedom of association and the expression of collective worker voice.
- No platform showed evidence of a mechanism that facilitates the expression of workers' collective voice. While Lieferando workers have successfully established both regional and federal works council in the last years, the recent switch of business model, which combines employed couriers represented by the works councils and workers hired by subcontractors, resulted in Lieferando losing the point they gained in the previous rating cycle because not all workers have access to collective representation anymore.
- No platform was able to evidence that workers played a meaningful role in governing the platform or that the platform engaged in collective bargaining with an independent trade union.

PLATFORM IN FOCUS

Flink

Flink is an on-demand grocery delivery platform. Founded in Berlin in 2020, it now operates in Germany and the Netherlands. With around 100 hubs, Flink covers 43 German cities, making it one of the key players in the German market.⁶

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

Flink’s total score  07/10

Flink employs a workforce of over 10,000 people.⁷ Flink’s groceries are supplied by REWE through a strategic partnership between the two companies.⁸ For the Fairwork ratings, the research team focused on working conditions for couriers in Flink’s logistics services.

Flink is the only platform operating with a direct employment model for all workers in this year’s sample. As the difference in scores clearly indicates, Flink stands out in terms of the working conditions provided to its workers.

The company pays its workers the legal minimum wage, which was 13.90 euros per hour as of 1 January 2026. Workers receive an allowance for working on Saturday nights and are compensated for using their private phones. They are not subjected to any additional work-related costs as the rest of the work equipment is provided by the platform. Most of the workers we interviewed emphasized that tips accounted for a significant proportion of their total earnings, sometimes up to 15–20%. However, tips are not a guaranteed source of income and despite complying with all legal pay requirements, Flink does not provide couriers with a living wage. According to WageIndicator, the estimate for a living wage in Berlin is €18.30 per hour (see endnote ii)—well above the €13.90 per hour earned by Flink workers.

WORKING AT FLINK COMES WITH THE REGULAR BENEFITS OF EMPLOYMENT, INCLUDING HEALTH AND SAFETY PROTECTION, STATUTORY SICK LEAVE, PAID VACATION AND PARENTAL LEAVE.

Working at Flink comes with the regular benefits of employment, including health and safety protection, statutory sick leave, paid vacation and parental leave. Flink provides all workers with paid safety training, e-bikes and protective gear. The workers start their shift at the hub and return to the hub after each delivery. Flink tracks the worker performance, including the number of deliveries per hour, acceptance rates and time spent with the customer. This data is used in the performance evaluation

of workers but does not affect the salary paid to workers or the jobs available to them. There is also no bonus system that rewards higher performance. Nonetheless, many of the workers interviewed felt stressed from trying to meet the performance standards, particularly when it comes to delays displayed in the couriers’ apps. To tackle this issue and to further reduce the risks of accidents (as it might incentivise workers to take excessive levels of risk to meet the performance standards), Flink has decided to rework its app to no longer display that information.

Workers sign employment contracts directly with Flink. These are standard contracts under German law and comply with data protection requirements. Flink is transparent about its collection of performance data and informs workers during onboarding about how they are tracked. The orders are allocated through the Flink app, however, every order starts and ends in the Flink hub, making the allocation of jobs transparent to workers.

FLINK DOESN’T HAVE ANY WORKER REPRESENTATIVES WHO ARE INDEPENDENT OF THE MANAGEMENT.

Flink provides multiple channels through which workers can communicate with the platform, and these are introduced during onboarding. The interviews did not reveal any instances of workers being penalized for raising concerns. In fact, our findings suggest that workers’ inquiries are processed systematically and can result in a positive outcome for the worker(s). That said, Flink doesn’t have any worker representatives who are independent of the management. Back in 2023 Flink was criticized for hindering the formation of a works council.⁹ Since then, Flink has neither publicly endorsed nor sought to implement collective and independent workers representation. This means that there are no collective mechanisms in place for workers to contest decisions made by management.

WORKERS IN FOCUS

Workers' Stories

Claudia*, Helping

Claudia, a 35-year-old Latin American with a background in HR, moved to Germany to experience the culture and improve her English. Knowing that her job opportunities would be limited due to language barriers, she was prepared to take whatever came her way. A friend of hers already worked as a cleaner through Helping and referred Claudia via the app.

According to Claudia, working through Helping was very difficult in the beginning because she had to build a customer base from scratch. Claudia's friend passed one of her customers on to Claudia, so she could get her first rating. Claudia started getting more bookings, but Helping didn't offer her any support. She had to negotiate work time and tasks directly with the customers and figure out everything from taxes to health insurance on her own. This left her feeling increasingly frustrated with the high commissions the platform charged.

To circumvent the commissions, Claudia decided to take her trusted customers off the platform and work for them directly. After she had cancelled the customers on Helping, she was banned from receiving new customer requests. Now, she has one customer left on Helping whom she charges 20 euros an hour. After commissions, that amounts to 14.65 euros. In comparison, she is paid between 16-23 euros an hour by customers she works for directly.

Claudia is happy with her decision to arrange work outside of the platform, but her long term goal is to move away from cleaning. She misses working in an office. When her German is good enough, she hopes to get a job as a receptionist.

Rahman*, Lieferando

Rahman moved to Germany from South Asia to pursue a master's degree. He started working for Lieferando as a delivery rider but was only employed on a 12-hour contract. This was not sufficient to survive. To make ends meet, Rahman decided to sign up with Fleetlery, a third-party company which also delivers for Lieferando.

Rahman thought the work would be similar to a regular mini job. But he was told by the fleet manager that he should be ready to go online whenever they tell him to. Before he could start working, he also had to pay for a Fleetlery account ID and an orange Lieferando delivery bag and jacket. This amounted to 235 euros.

Rahman quickly felt that he was at the mercy of the fleet manager. With no written contract, he had no way of proving that he worked there. All payments were done in cash; twice a month he met up with the fleet manager in a park or a car to pick up his salary. The fleet manager kept all the online tips and 25% of the total earnings in commission. After this, Rahman would be left with 600-800 euros a month. He knew that all of this was illegal, but he had no choice but to accept it. He needed the money.

After two months, the fleet manager was replaced. The new manager fired a lot of riders including Rahman. Looking back at his experience, he hopes that the illegal subcontracting stops and that workers are only hired directly.

Deniz*, Uber & Bolt

"I need to earn money to make ends meet," the driver told us, reflecting on why they entered platform work in the first place. With another ongoing commitment making full-time employment impossible, ride-hailing offered a way to earn income around an otherwise fixed schedule. In their spare time, the driver takes on long shifts—often exceeding 10 hours a day—to make up for restricted availability. This intensity comes at a cost. Long shifts behind the wheel lead to physical strain: "After hours of driving, your eyes get tired, your feet hurt—you only realise it when you stop."

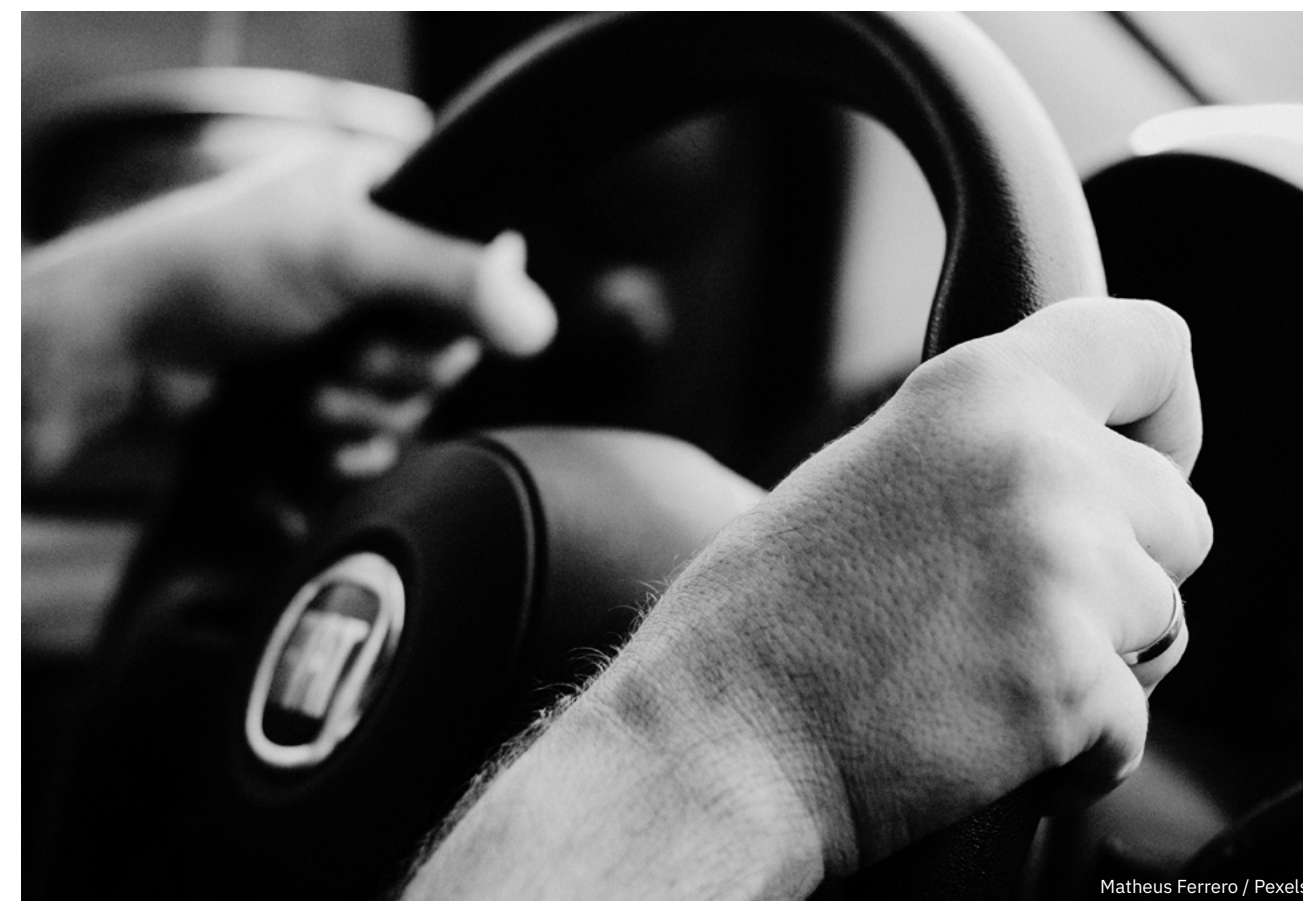
Despite being formally employed on a mini-job contract, which caps their earnings at €603 per month, the driver described, like many others in the sector, an opaque and insecure earnings arrangement. The portion of income covered by the mini job is transferred via bank, while the rest is paid in cash. Income fluctuates depending on demand, and there is no compensation for waiting time or periods without passengers.

There is no paid leave or sick pay, meaning any interruption to work directly reduces their income. "If you don't drive, you don't earn," they explained.

THE DRIVER DESCRIBED, LIKE MANY OTHERS IN THE SECTOR, AN OPAQUE AND INSECURE EARNINGS ARRANGEMENT.

Despite these challenges, the driver continues to rely on the work as a necessary source of income. Flexibility remains its main advantage—but one that is tightly constrained by economic necessity.

**Names changed to protect worker identity.*



Matheus Ferrero / Pexels

THEME IN FOCUS

Fighting subcontracting with a direct employment requirement in the food delivery sector?

The food delivery sector has recently gained surprising levels of public attention. Following Lieferando's decision to change its business model in line with its competitors' and to also complement its own fleet of employed couriers with couriers working for subcontractors, there were many media reports¹⁰ highlighting the precarious and irregular character of working for many subcontractors catering to food delivery platforms in Germany.

The visibility given to the situation of couriers in the food delivery sector can be explained by the efforts undertaken by worker groups (like the Lieferando Workers Collective in Berlin), the Lieferando works council(s) and the NGG union to bring the food delivery couriers' situation to the public's attention. At the end of 2025, the NGG organised a series of strikes against subcontracting and the resulting dismissals of employed couriers. For the strike in Berlin, which was called by the union and supported by the Lieferando Workers Collective, 150 couriers showed up, making it one of the biggest platform workers strikes in

German history.¹¹

Hence, it was also the food-delivery sector that played a dominant role in the political debate about what to do to improve the food couriers' situation – both on state and federal level – and that led to a very tangible claim that was quickly supported by workers, works councils, unions and politicians of different parties: A potential ban on subcontracting in the German food delivery sector.

Can the meat industry serve as an example?

The call for a direct employment requirement is inspired by the ban on subcontracted work in the German meat industry. In 2020, the poor working standards in the German meat processing industry were brought to the public's attention by multiple outbreaks of the COVID-19 virus. The meat plant workers were often subcontracted, migrant workers. This brought many problems to the attention of the wider public, such as minimum wage violations and occupational health and safety regulations being ignored.¹² The COVID-19 outbreaks were further fuelled by the poor worker accommodation, with workers often sharing rooms with multiple co-workers.

THE CALL FOR A DIRECT EMPLOYMENT REQUIREMENT IS INSPIRED BY THE BAN ON SUBCONTRACTED WORK IN THE GERMAN MEAT INDUSTRY.

The complex subcontractor structure made it very difficult to hold companies accountable. When the question of responsibility was raised, the large companies pointed to the subcontractors.¹³ In response, solely targeting the meat industry, the German Bundestag passed the Occupational Safety and Health Control Act ("Arbeitsschutzkontrollgesetz") in 2021. One of the act's central and most far-reaching provisions was the requirement for direct employment in the core areas of meat production defined as slaughter, cutting and processing.¹⁴ This effectively prohibits the use of subcontractors, self-employed individuals, and temporary agency workers.¹⁵

Despite fierce criticism after the initial implementation of the act, the act proved to be beneficial for workers in the meat industry. In a later evaluation of the direct employment requirement in 2024, the Federal Ministry of Labour and Social Affairs concluded that the new regulations have led to an improvement in working conditions and occupational safety.¹⁶ Workers previously

employed by subcontractors have now been integrated into the permanent workforce. Continued pay during sick leave has become standard practice, and compliance with legal requirements can now be more easily verified.

It is the success of the "Arbeitsschutzkontrollgesetz", and particularly the requirement of direct employment, that has raised the call to apply it to other sectors – and the platform economy, in particular – to fight precarious working conditions.¹⁷

A potential ban on subcontracting in the food delivery sector?

Proponents of a potential ban argue that the lessons learned from the meat industry could be applied to platform-based food delivery services. They also claim that a direct employment requirement would be permissible under both constitutional and EU law, and would serve the legitimate aim of ensuring the social protection of workers,¹⁸ as a prerequisite for effective oversight and ensuring of workers' rights.¹⁹ Opponents argue that existing German legislation, together with the implementation of the EU Platform Work Directive (PWD) will be sufficient to ensure worker protection, and they highlight the advantages of having a streamlined EU regulation of employment models in the platform economy.²⁰ This position has been seconded by Lieferando, who claim that working with third-party providers is essential to preserving a flexible and dynamic business model.²¹

At the time of writing in May 2026, the debate on whether a ban on subcontracting could also be applied to the platform economy is still on. So far, the most detailed response to the question of the potential applicability of a ban on subcontracting to other sectors has been undertaken by Anneliese Kärcher and Manfred Walser in their study for the Hugo Sinzheimer Institute.²² While generally supporting the potential application in other sectors, the authors emphasise that it needs an extensive, sector-specific assessment to determine whether it is a proportionate response to the observed problems.²³ This is due to the fact that a direct employment requirement is considered a far-reaching intervention that needs to be justified, as it conflicts with the protection of economic freedom under both EU and

German law.²⁴ Consequently, their study outlines several conditions a direct employment requirement is contingent upon.

Primarily, the sector must exhibit a structural reliance on external personnel — including subcontractors, solo self-employed individuals, and temporary agency workers — to perform core operational tasks. This pervasive outsourcing must result in systemic opacity and fragmented accountability regarding labour relations. Furthermore, the workforce must be characterized by a high degree of vulnerability, stemming from factors such as precarious residency status, limited educational attainment, or language barriers. In addition to these structural elements, there must be evidence of widespread non-compliance, including significant violations of mandatory minimum labour standards, like minimum wage laws and social security obligations. The resultant lack of transparency must also render the effective enforcement of occupational health and safety standards impossible. Crucially, such mandates are justified only when collective bargaining instruments prove insufficient to rectify these grievances and when no less restrictive, equally effective regulatory measures are available. Finally, the affected industry or sub-sector must be legally definable with sufficient precision to ensure legal certainty.

THE DECISION TO IMPLEMENT A BAN ON SUBCONTRACTING IN THE FOOD DELIVERY SECTOR IS ULTIMATELY A POLITICAL QUESTION THAT WILL BE DETERMINED BY POWER RELATIONS AND MAJORITIES IN THE GOVERNMENT AND THE PARLIAMENT.

While the decision to implement a ban on subcontracting in the food delivery sector is ultimately a political question that will be determined by power relations and majorities in the government and the parliament, there are a few contributions to that question that can be taken from recent Fairwork reports:

- Food delivery platforms such as Wolt, Uber Eats, and Lieferando — to varying degrees — all rely on subcontracted workers, many of whom are migrants, for a core operation of their business.
- Workers are employed through an often-opaque fleet system that renders it problematic for researchers as well as workers to clearly attribute responsibility for working conditions, be it because subcontractors are unknown, not properly registered, or because they change quickly.
- We cannot confirm that all subcontractors comply with minimum labour standards. Fairwork research found instances of workers being paid per delivery and below minimum wage for all food delivery platforms operating in Berlin. Despite sometimes having formal employment contracts, workers are often at the mercy of their fleet managers as employment contracts are not accessible, not handed out to workers, or the clauses in the contract do not efficiently govern the working relationship. Many workers we interviewed lack proper health and safety provisions and have limited to no social protection. Communication often takes place via messaging services such as WhatsApp or Telegram, meaning that workers have little ability to appeal disciplinary decisions and to hold fleet managers accountable. Lastly, with Lieferando being the only platform with established forms of collective representation for its employed couriers, means of collective bargaining are not available for subcontracted workers on any of the platforms we analysed.

These findings are central to some of the questions of the proportionality of a direct employment requirement in the food delivery sector outlined above. Some questions remain open, for example whether there are less restrictive but equally effective regulatory measures available that could be applied or whether the food delivery sector can effectively be distinguished from other sectors in legal terms. These questions require further attention in the ongoing debate and more legal expertise to be properly addressed.

A crucial point in this regard will surely be whether the EU Platform Work Directive (PWD) is a sufficient regulatory

(and less restrictive) tool to remedy the precarious working conditions in the food delivery sector. Article 3 of the PWD requires member states to implement systems of joint liability to deal with subcontractors and intermediaries in the platform economy. But it is vague on what these systems could look like, how joint liability can be achieved, and leaves member states a lot of discretion in setting up those systems.²⁵ Hence a ban on subcontractors could be considered both a potential addition to, and an implementation of, these systems required by article 3 of the PWD.

When this Fairwork report was finished, there was no draft for the transposition of the PWD into German legislation

yet. For the couriers navigating the streets of Berlin, the implementation of the PWD is not an academic exercise but a matter of daily survival. The pivotal question for the near future is whether a system of 'joint liability' can truly dismantle the deep-seated issues of undermining basic labour standards and systemic opacity. Or will such rules merely encourage more sophisticated ways for subcontractors to evade the law? The lessons from the meat industry suggest that real reform only takes hold when responsibility stops where the profits are made: at the platform itself. How the Federal Ministry of Labour and Social Affairs chooses to untie this knot will determine whether platform work remains a synonym for precariousness or finally evolves into a fair and transparent sector of the modern economy.



Jahanzeb Ahsan / Unsplash

MOVING FORWARD

Pathways of Change

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If they have the economic means to choose, many consumers will be discerning about the platform services they use. Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we leverage consumer solidarity with workers' allies in the fight for fairer working conditions. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices. In this regard, we see four pathways to change (Figure 2).

Our first and most direct pathway to improving working conditions in digital labour platforms in Germany is by engaging directly with platforms. We also engage with policy makers and government to advocate for extending appropriate legal protections to all platform workers, irrespective of their legal classification. Finally, and most importantly, workers and their organisations are at the core of Fairwork's model. Our principles have been developed and are continually refined in close consultation with workers and their representatives (Figure 3). Our fieldwork data, combined with feedback from workshops and consultations involving workers, informs how we systematically evolve the Fairwork principles to remain in line with their needs.

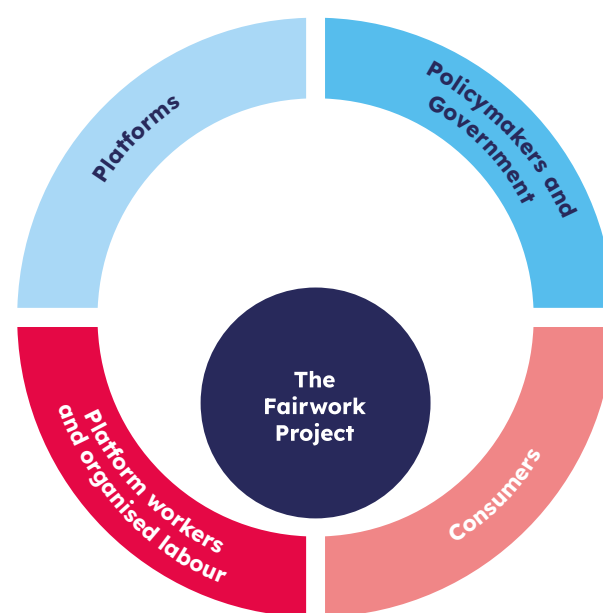
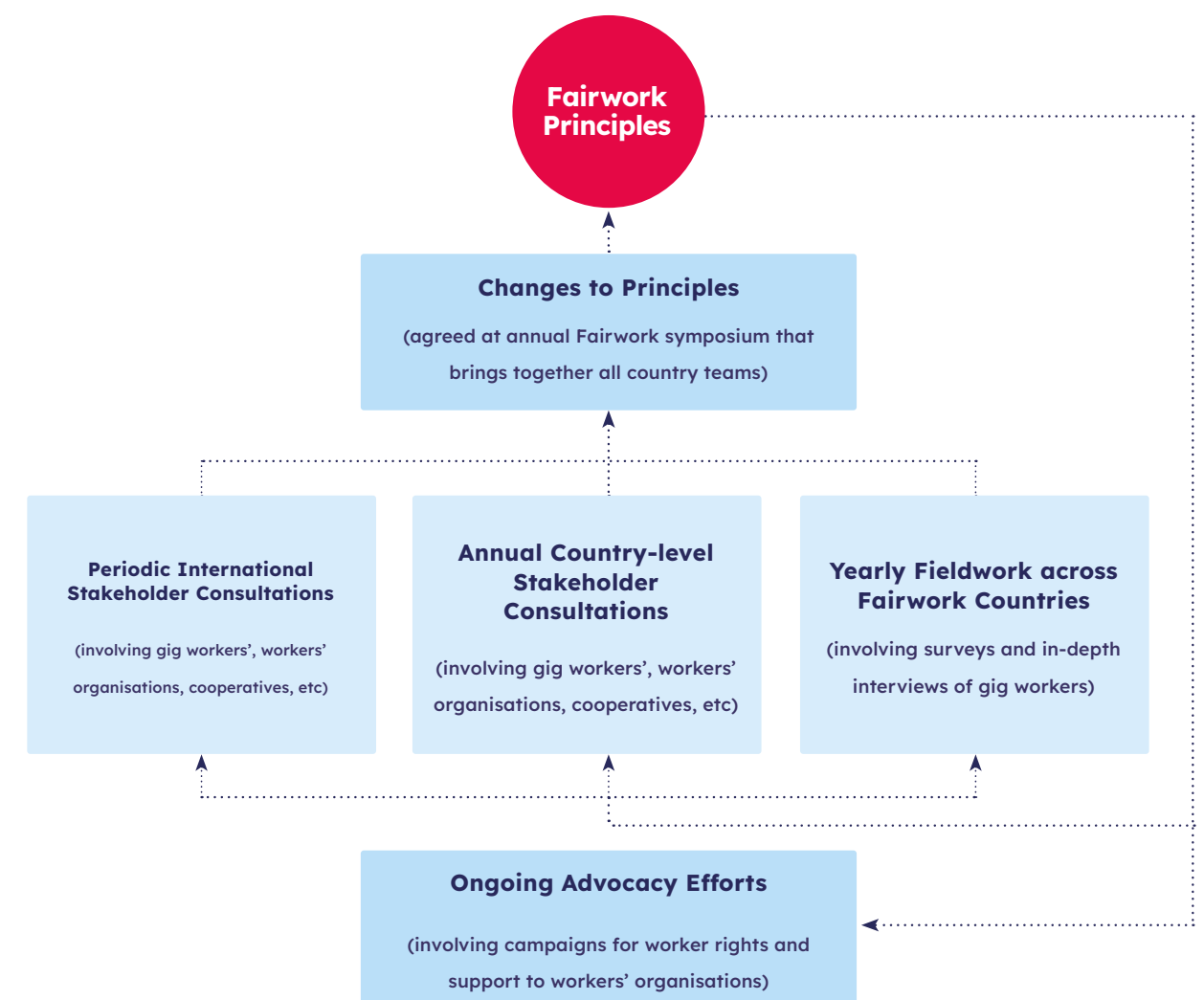


Figure 2: Fairwork's Pathways to Change

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform

economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today's platform economy – paints a picture of what it could become.

Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



The Fairwork Pledge

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

The pledge constitutes two levels. The 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. We are proud to announce that we have six official Fairwork Supporters in Germany: the Digital Transformation Centers, the Berliner Senatsverwaltung für Integration, Arbeit und Soziales, the ISF Munich, the IfS Frankfurt, the Friedrich Ebert Stiftung's Competence Centre Future of Work, and Algorithmwatch. 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. The Berlin Social Science Center (WZB), the GIZ, the Deutscher Verband der freien Übersetzer und Dolmetscher e. V. (DVÜD), the Alexander von Humboldt Institute for Internet and Society (HIIG), and McDonald's Germany have become official Fairwork Partners in Germany.

**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 ILO defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”.²⁶ 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”.²⁷ Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods) are obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models.²⁸

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

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

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

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

How does the scoring system work?

The five Principles of Fairwork were developed through an extensive 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 points. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded

corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

A platform can therefore receive a maximum Fairwork score of 10 points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the eight months between July 2025 and February 2026 and are valid until February 2027.

Table 1: Fairwork Scoring System (Principle version 24.10)

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

Maximum possible Fairwork Score:



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.²⁹ Workers’ costs sometimes mean their take-home earnings may fall below the local minimum wage.³⁰ Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours.³¹ To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

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

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.³²

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.^{33,34}

Principle 2: Fair Conditions

2.1 – Mitigates task-specific risks (one point)

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

The platform must satisfy the following:

- Adequate equipment and training are provided to protect workers’ health and safety from task-specific risks.³⁵ These should be implemented at no additional cost to the worker.
- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.
- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.

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

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as, for example, sickness, or parenthood. Most countries provide a social safety net to ensure workers don’t experience sudden poverty due to circumstances outside their control.³⁶ However, platform workers usually don’t qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

The platform must satisfy ALL of the following:

- Platform takes meaningful steps towards the social protection of its workers.

- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.
- The platform implements policies or practices that protect workers' safety from task-specific risks. In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

Principle 3: Fair Contracts

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

The terms and conditions governing platform work are not always clear and accessible to workers.³⁷ 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 country/ state/region in which the worker work.
- The contract/terms & conditions are presented in full in clear and comprehensible language that all workers could be expected to understand.
- Workers have to sign a contract and/or give informed consent to terms of conditions upon signing up for the platform.
- The contracts/terms and conditions are easily accessible to workers in paper form, or via the app/ platform interface at all times.
- Contracts/terms & conditions do not include clauses that revert prevailing legal frameworks in the respective countries.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.³⁸

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

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

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

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

Principle 4: Fair Management

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

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

The platform must satisfy ALL of the following:

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface.³⁹
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

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

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

Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.⁴⁰
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

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

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

Platforms must satisfy ALL of the following:

- There is a documented mechanism⁴¹ for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface.⁴²
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.^{43, 44}

5.2 – Supports democratic governance (one additional point)

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

The platform must satisfy at least ONE of the following:

- Workers play a meaningful role in governing it.
- In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation.⁴⁵

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Authors:

Patrick Feuerstein, Didem Özkiziltan-Wagenführer, Freja Hvid Kirchert, Tobias Kuttler, Martin Krzywdzinski and Mark Graham.

Fairwork team:

Abdul Bashiru Jibril, Aditya Singh, Adriansyah Dhani Darmawan, Ahmad Awad, Ainan Tajrian, Alberto Riesco-Sanz, Alejandra S. Y. Dinegro Martínez, Alessio Bertolini, Alexis Harrell, Álvaro Briaes, Ambreen Riaz, Amela Kurta, Ana Chkareuli, Ana Flavia Marques, Ana Negro, Ananya Raihan, Andrea Ciarini, Annmercy Wairimu, Antonio Corasaniti, Antonio Ramírez, Arabella Wang,

Arturo Arriagada, Arturo Lahera-Sánchez, Athar Jameel, Balaji Parthasarathy, Batoul ElMehdar, Beatriz Motta, Beka Natsvlshvili, Bilahari M, Bonnita Nyamwire, Branka Andjelkovic, Bresena Dema Kopliku, Brikena Kapiszyi Dionizi, Carolina Pérez, Caroline A Omware, Chana Garcia, Chau Nguyen Thi Minh, Cheryll Ruth Soriano, China Patricia Villanueva, Chris King Chi Chan, Christian Nedu Osakwe, Claudia Marà, Claudia Nociolini Rebecchi, Cosmin Popan, Dana Elbashbishy, Daniel Vizuet, Daviti Omsarashvili, David Sutcliffe, Debarun Dutta, Derly Yohanna Sánchez Vargas, Didem Özkiziltan Wagenführer, Dinh Thi Chien, Eduardo Carrillo, Eiser Carnero Apaza, Eisha Afifi, Elisa Errico, Eloísa González, Elvira Drishti, Ermira Hoxha Kalaj, Farah Galal, Federico Rosenbaum Carli, Felipe Moda, Francesca Pasqualone, Francisca Gutiérrez Crocco, Francisco Ibáñez, Francisco José Fernández-Trujillo, Frederick Pobee, Freja Hvid Kirchert, Funda Ustek Spilda, Gabriela Salomao, Giulia Varaschin, Ha Do, Hayford Amegbe, Henry Chavez, Hilda Mwakatumbula, Huynh Thi Ngoc Tuyet, Iftikhar Ahmad, Ilma Kurtovi, Jack Linchuan Qiu, Jackeline Gameleira, Jamal Msami, James Dunn-Willimason, Jana Ababneh, Janaki Srinivasan, Jayvy R. Gamboa, Jing Wang, Joe Buckley, Jonas Valente, Jorge Leyton, Joshua Baru, Juan-Carlos Revilla, Julice Salvagni, Karol Muszyński, Katherine Zhou, Katie J. Wells, Kemi Ogunyemi, Khadiga Hassan, Khatia Dzamukashvili, Kiko Tovar, Ladin Bayurgil, Laura Clemencia Mantilla León, Laureano Martínez, Lola Brittain, Lucas Katera, Luis Jorge Hernández Flores, Luis Pablo Alonzo, Luisa De Vita, Luke Troynar, Mabel Rocío Hernández Díaz, Maja Kovac, Manzer Imam, Mar Maira, Marcos Aragão, Maren Borkert, Margreta Medina, María Arnal, María Belen Albornoz, Maria Catherine, María Inés Martínez Penadés, Maria Laura Birgillito, Maricarmen Sequera, Mark Graham, Marta D'Onofrio, Martin Krzywdzinski, Massimo De Minicis, Matías Dodel, Meghashree Balaraj, Milena Franke, Michelle Ogolla, Moisés K. Rojas Ramos, Morad Kutkut, Mubassira Tabassum Hossain, Nabila Salwa Fitri, Nadine Weheba, Nagla Rizk, Name, Natalia Muniz, Neema Iyer, Nermin Oruc, Nur Huda, Oğuz Alyanak, Olayinka David-West, Olebogeng Selebi, Oluwatobi A. Ogunmokun, Oscar

Javier Maldonado, Pablo Aguera Reneses, Pablo Egaña, Pablo Meseguer, Pamela Custodio, Patrick Feuerstein, Pía Garavaglia, Rafael Grohmann, Raiyaan Mahbub, Raktima Kalita, Razan Ayesha, Revin Muhammad Alsidaïs, Revaz Karanadze, Richard Heeks, Rodrigo Carelli, Roseli Figaro, Rusudan Moseshvili, Sami Atallah, Sami Zoughaib, Sandra Fredman, Seemab Haider, Shamarukh Alam, Shanza Sohail, Shikoh Gitau, Sidra Nizambuddin, Slobodan Golusin, Sopo Japaridze, Tanja Jakobi, Tariq Ahmed, Tasmeena Tahir, Tat Chor Au-Yeung, Tobias Kuttler, Tony Mathew, Úrsula Espinoza Rodríguez, Valeria Pulignano, Veena Dubal, Victor Manuel Hernandez Lopez, Victor Riesgo, Virgel Binghay, Wasel Bin Shadat, Wassim Maktabi, Wesley Rosslyn-Smith, Wirawan Agahari, Zeynep Karlıdağ, Zuzanna Kowalik.

External scoring reviewers:

Ashly Jiju and Shilpa Joseph

Editing:

David Sutcliffe

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ENDNOTES

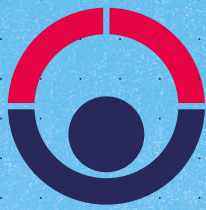
- Picture credits: Inga Haar, Dt. Bundestag.
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- The living wage figure is based on wageindicator.org's estimation of a living wage for Berlin (October 2025 version) for a typical family (2+national fertility rate), national employment rate, highest, per hour.
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- See https://www.goflink.com/de-DE/?srsltid=AfmBOor1XgRIhUdYqxaGMXHx-I9Z1gyV9_M-gRHZ_4AtAUBg_Qn8AQkmn, <https://retail-news.de/flink-liefergebiet-erweiterung-2025/>
- See <https://www.prosus.com/news-insights/2026/prosus-leads-us-dollars-100-million-funding-round-in-flink>
- See <https://www.supermarktblog.com/2021/06/08/rewe-kooperiert-mit-flink-das-zeitalter-der-allianzen-im-online-lebensmittelhandel-hat-begonnen/>
- See <https://braveneweuropa.com/flink-as-bad-as-gorillas>
- See, for example, Anne Grandjean, Fabian Grieger and Jan Wiese, "Lieferdienste – moderne Ausbeutung?", available under <https://www.ardmediathek.de/video/kontraste/lieferdienste-moderne-ausbeutung/rbb/Y3JpZDovL3JiYl8wMWY5YTVjZC1iNjdKLTJiOTU0OD-NiYS03M2VhMjhlZjc1ZWVfcHVibGlyYXRpb24> (last accessed: 12 May 2026) or Andrea Brack Pena/Sinje Städtlich, Panorama 3, available under <https://www.ardmediathek.de/video/Y3JpZDovL25kci5kZS9wc-m9wbGFuXzE5NmJ2Nzg4Ml9nYW56ZVNIbmR1bmc> (last accessed 12 May 2026).
- See <https://www.berliner-zeitung.de/article/lieferando-streik-in-berlin-10002295>
- See: Anneliese Kärcher/Manfred Walser (2025): Durchsetzung von Arbeitsrecht – das Arbeitsschutzkontrollgesetz als Modell? Verfassungs- und europarechtliche Fragen mit besonderer Berücksichtigung des Direktanstellungsgebots, HSI-Schriftenreihe, Bd. 54, Bund Verlag: Frankfurt a.M., p. 17.
- Ibid., p. 17
- See <https://www.boeckler.de/de/magazin-mitbestimmung-2744-direktanstellungsgebot-auch-bei-paketzustellung-und-saisonarbeit-68180.htm>
- See: Anneliese Kärcher/Manfred Walser (2025): Durchsetzung von Arbeitsrecht – das Arbeitsschutzkontrollgesetz als Modell? Verfassungs- und europarechtliche Fragen mit besonderer Berücksichtigung des Direktanstellungsgebots, HSI-Schriftenreihe, Bd. 54, Bund Verlag: Frankfurt a.M. p. 2,18.
- See [https://www.bmas.de/DE/Service/Presse/Pressemitteilungen/2024/bessere-arbeitsbedingungen-in-der-fleischindustrie.html#:~:text=Mit%20der%20Novellierung%20des%20Gesetzes%20zur%20Sicherung,Fleischwirtschaft%20\(GSA%20Fleisch\)%20wurde%20in%20Fleischbetrieben%20ein](https://www.bmas.de/DE/Service/Presse/Pressemitteilungen/2024/bessere-arbeitsbedingungen-in-der-fleischindustrie.html#:~:text=Mit%20der%20Novellierung%20des%20Gesetzes%20zur%20Sicherung,Fleischwirtschaft%20(GSA%20Fleisch)%20wurde%20in%20Fleischbetrieben%20ein)
- See <https://www.ngg.net/presse/pressemitteilungen/ngg-begruesst-heutigen-beschluss-fuer-ein-direktanstellungsgebot>.
- See <https://dserver.bundestag.de/btd/21/038/2103831.pdf>
- See <https://dserver.bundestag.de/btd/21/038/2103831.pdf>
- See <https://www.bundestag.de/mediathek/video?video-id=7648444>
- See <https://www.lobbyregister.bundestag.de/suche/R005225>.
- See: Anneliese Kärcher/Manfred Walser (2025): Durchsetzung von Arbeitsrecht – das Arbeitsschutzkontrollgesetz als Modell? Verfassungs- und europarechtliche Fragen mit besonderer Berücksichtigung des Direktanstellungsgebots, HSI-Schriftenreihe, Bd. 54, Bund Verlag: Frankfurt a.M.
- Ibid., p. 214-215.
- Ibid., p. 128-135
- See also: Didem Özkiziltan Wagenführer/Patrick Feuerstein (2026): The Regulatory Implications of Subcontracting Practices in Germany's Location-Based Platforms: A Fairwork Perspective. Weizenbaum Journal of the Digital Society, 6(1). <https://doi.org/10.34669/wi.wjds/6.1.4>
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- De Stefano, V. (2016) The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig-economy'. Geneva: International Labour Organisation. p. 1. Available at: https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm. (Accessed: 06 June 2025).
- 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.
- 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.

- 31 In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.
- 32 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.
- 33 Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
- 34 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 living wage after costs.
- 35 The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."
- 36 The ILO's Social Security (Minimum Standards) Convention, 1952 (No. 102), establishes nine classes of benefit (medical care and benefits in respect of sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors). Source: <https://webapps.ilo.org/public/english/revue/download/pdf/ghai.pdf>, p.122.
- 37 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.
- 38 As stated in international standards, ethical data protection includes aspects such as legitimacy and lawfulness, proportionality, purpose limitation, transparency, quality, data subject's rights (access, rectification, evaluation, erasure, and portability), accountability, and collective rights. Also, when using AI,

the rights to be informed about it and to have a human interface.

- 39 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.
- 40 In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
- 41 A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management
- 42 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."
- 43 See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that "workers and employers, without distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation" (Article 2); "the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof" (Article 3) and that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority" (Article 4). Similarly the ILO's Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 ratified C087 and 167 ratified C098.
- 44 If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers' queries to its communication with the existing representative body.
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