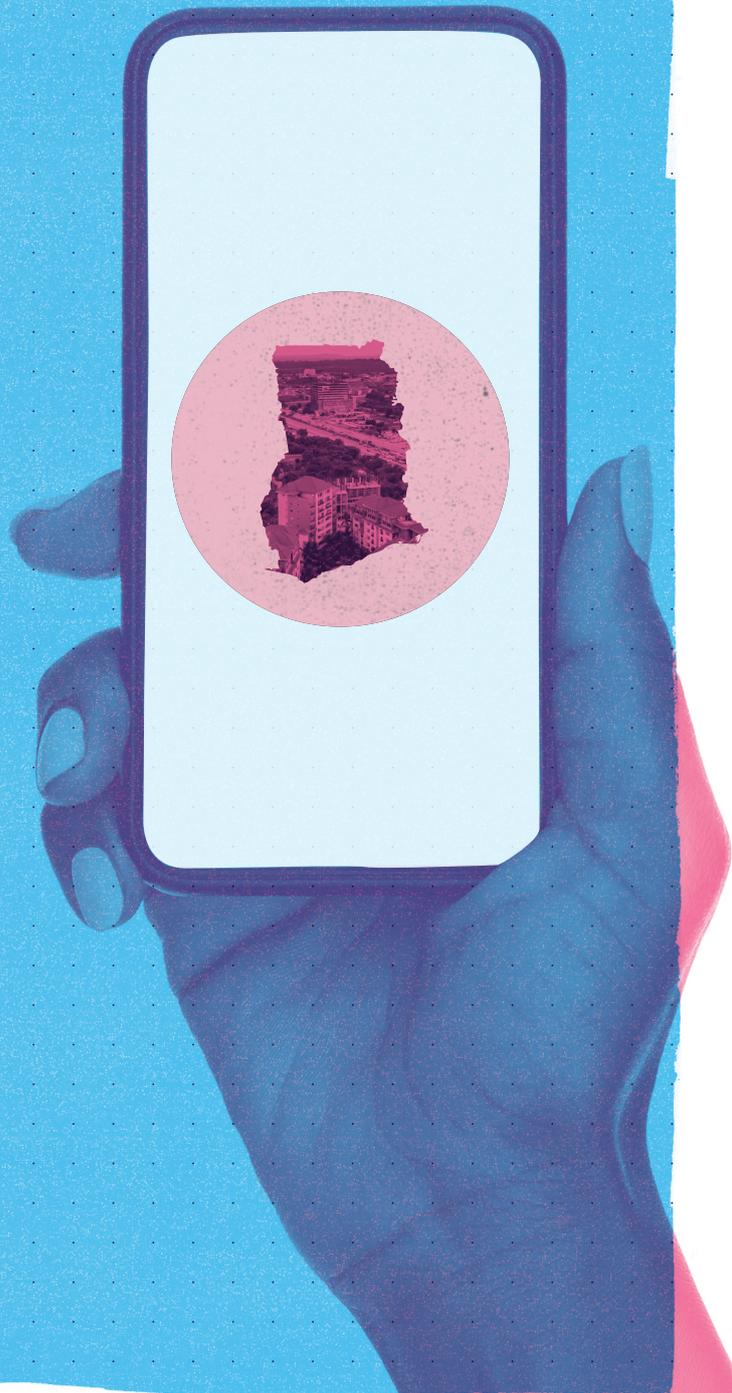


Fairwork

TOWARDS BETTER POLICIES

IN THE PLATFORM ECONOMY

Ghana Ratings 2022



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Executive Summary

This report provides a comparative overview of the Ghanaian platform economy; part of a series which will be updated annually. The Fairwork project aims to improve the working conditions of workers by providing data and increasing awareness of the conditions of platform work. which in turn could contribute towards effective policies for regulating the platform economy, improved working conditions for workers, and better platforms to choose from for consumers, and overall, a fairer platform economy for all.

There is certainly an enormous potential in the platform economy to revolutionise the income landscape, particularly for young people in developing countries. However, in our research in Ghana this year, we found that workers (predominantly ride-hailing drivers and delivery workers) have been at the mercy of a rise in inflation levels which is affecting their means of livelihood as platform workers. Many who have joined digital labour platforms struggle to make ends meet as they struggle with everyday expenses and work longer hours to maintain a decent standard of life. Many of them have to switch between two or three platforms to work extra hours to be able to pay for their everyday expenses, as well as to put food on the table

for their families and provide a roof over their heads. Some have had to create a second home in their cars because they work round the clock and can only afford to take naps in their cars. An indirect effect of working longer hours is that platform workers put their health at risk as they lack sleep and are often fatigued. Besides the impact on workers' health, this also puts a strain on the vehicles which indirectly leads to an increase in maintenance costs.

This report presents the second set of Fairwork platform ratings for Ghana. This year, ten digital labour platforms were rated, namely, The Black Ride, Glovo, Swift-Wheels, Bolt, Uber, Jumia Food, Bolt Food, InDriver, Feenix, and Yango.

FAIRWORK GHANA TEAM

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Key Findings

The 2022 Fairwork Scores for Ghana range from zero to five (out of ten), showing the spread in working conditions on the ten digital labour platforms analysed. These varying scores reflect the policies and management practices the platforms have in place. The Black Ride and Glovo top the list of platforms studied this year, with five points.



FAIR PAY

There was insufficient evidence that workers for any of the ten platforms earned the minimum wage after accounting for costs (GHC13.53/day).

There was insufficient evidence that workers on any of the ten platforms earned the living wage rate after accounting for costs (GHC 39.1/day). Therefore, we were unable to award a score to any of the ten platforms on this principle.



FAIR CONDITIONS

One of the ten platforms, Glovo, was able to evidence that they took action to protect workers from risks that arise on the job.

This year, issues of safety and insecurity were reported as critical challenges for platform workers, requiring more effort from platforms to address them. However, we could not find sufficient evidence to award a score to any of the ten platforms for providing a safety net for workers..



FAIR CONTRACTS

Both The Black Ride and Glovo could provide evidence that their terms and conditions are clear and transparent, and subject to Ghanaian law.

However, we also found evidence of extensive subcontracting arrangements whereby platforms engaged intermediary subcontractors who, in turn, engaged workers. Workers were often unclear about who was responsible for their working conditions and the payment of wages. Only one platform, Glovo, could evidence that they do not unreasonably exclude liability on the part of the platform, and that the contract does not contain clauses that prevent workers from seeking redress for grievances.



FAIR MANAGEMENT

Only two of the ten platforms (Glovo and The Black Ride) were able to evidence the provision of due process for decisions affecting workers.

These platforms demonstrated effective communication channels and appeals processes in instances where workers have been deactivated from the platform. The Black Ride and Glovo were also awarded an additional point for issuing public anti-discrimination policies and measures that help promote equality for disadvantaged groups such as women.



FAIR REPRESENTATION

Only The Black Ride provided evidence that they ensure freedom of association and collective worker voice, and also that they have formally and publicly recognised an independent collective body of workers by signing an MOU with various associations.

THE FAIRWORK PROJECT

Towards Decent Labour Standards in the Platform Economy

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

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

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in 39 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

Fairwork countries

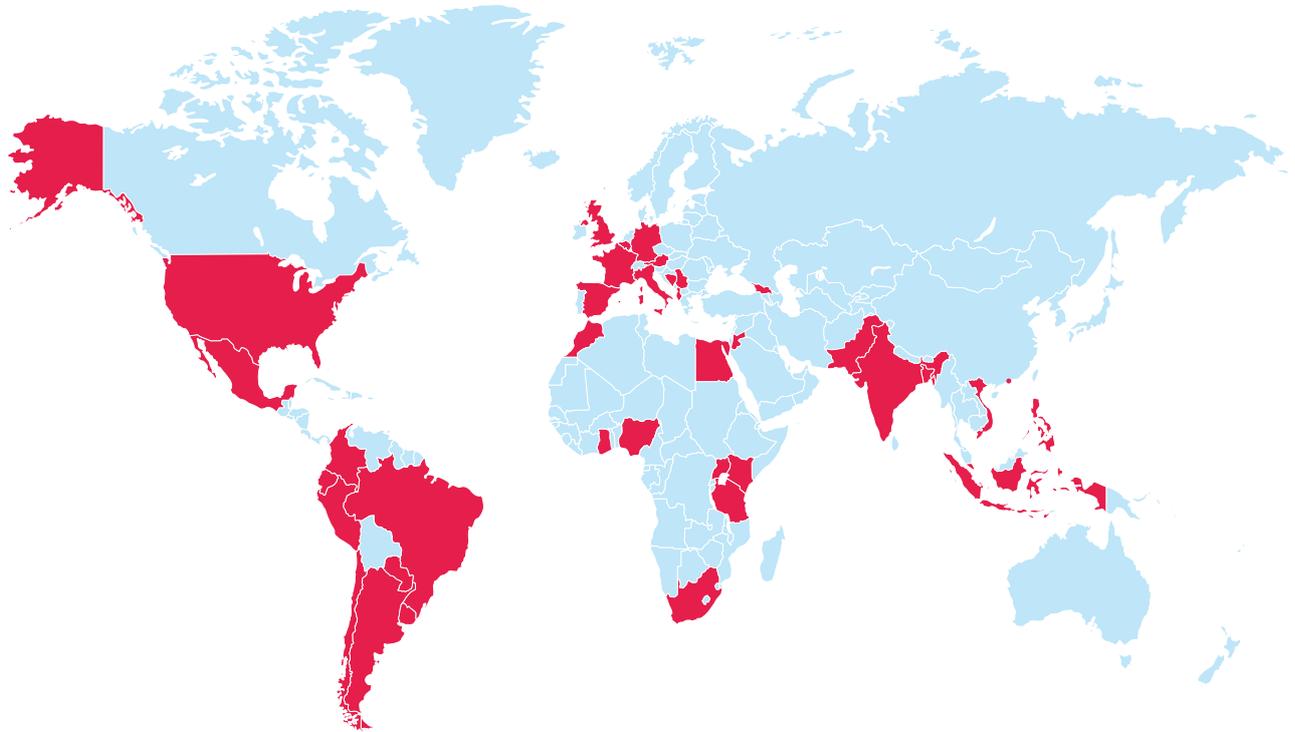


Figure 1. Fairwork currently rates platforms in 39 countries worldwide.

AFRICA

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

ASIA

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

EUROPE

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

SOUTH AMERICA

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

NORTH AMERICA

Mexico, USA

The Fairwork Framework

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

To do this, we use five principles that digital labour platforms should ensure to be considered as offering 'fair work'. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Ghanaian context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers in Ghana.

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.



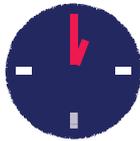
STEP 1

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 is 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 is transparent and results 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

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

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

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

Desk research

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

The desk research is also used to identify points of contact

or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

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

Workers are approached using a range of different channels. This included circulating announcements to recruit interviewees through WhatsApp groups of platform workers and platform worker associations, ordering specific platform services, and snowballing from prior interviews. In all these strategies, workers were briefed about the interview process and the Fairwork project before requesting their consent to the interview. The interviews were conducted by phone or in person

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the platform for more than two months. In our research this year, 68 out of the 84 interviews were conducted in English, while the remaining 16 were done in a Ghanaian local language (Twi).

Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if clear evidence exists on each threshold.

How we score

Each of the five Fairwork principles is broken down into two points: a first point and a more second point that can

only be awarded if the basic point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are not – for whatever reason – able to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

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



BACKGROUND

Overview of the Platform Economy in Ghana

Following the COVID-19 lockdowns and restrictions in 2020 and early 2021, Ghana's rapid growth rate of seven percent between 2017 and 2019 stagnated.¹ The economy was projected to resume its growth trajectory post-COVID-19 with 5.3 percent and 5.1 percent growth rates for 2022 and 2023, respectively. However, the slow economic recovery from the pandemic coupled with the effect of the Ukraine–Russia crisis is negatively impacting growth.²

At the time of writing, the country is experiencing record levels of inflation and currency depreciation which is impacting negatively on all. Despite the historically positive economic growth rate, unemployment has been a persistent challenge for the country, with 12 percent youth unemployment and more than 50 percent underemployment rates in the country—both rates being higher than the average across Sub-Saharan African countries.³ In this context, governments and citizens alike have looked optimistically to the platform economy as having the potential to provide much-needed work and income opportunities for young people.

UNEMPLOYMENT HAS BEEN A PERSISTENT CHALLENGE FOR THE COUNTRY, WITH 12 PERCENT YOUTH UNEMPLOYMENT AND MORE THAN 50 PERCENT UNDEREMPLOYMENT RATES IN THE COUNTRY

By 2030, digital labour platforms, including location-based platforms and “cloudwork” or freelancing platforms, may provide livelihoods for 1.9 to 4.5 million people in Ghana, i.e., between 10-25 percent of the country's labour force.⁴ Thus, the digital economy could theoretically play a significant role in combating the challenge of youth unemployment. That said, the platform economy in Ghana is under-researched, with few reliable statistics on the employment growth of the sector or the number of workers employed. However, President Nana Akufo Addo's government has made it a core priority to expand digital infrastructure and digital skills, which are considered essential preconditions to the successful operation of local and global platforms in Ghana.

In 2016, Uber, one of the world's largest platform companies, launched its operations in Ghana. Bolt followed shortly after in 2018, followed by Bolt Food, Glovo, Jumia Food and others. These platform companies operate a digital system that matches platform workers with customers, setting the price and the platform commission in the process. The workers on these platforms are typically hired as independent contractors rather than employees. They



are therefore deprived of legal entitlements to employment benefits such as sick pay, minimum wage, and financial support if they cannot work. These conditions have raised serious questions about fairness in the platform economy in Ghana and have sparked multiple instances of platform workers mobilising and striking over these conditions.⁵

WE ESTIMATE THERE TO BE BETWEEN 60,000 AND 100,000 PLATFORM WORKERS IN GHANA.

Despite this, the number of workers joining digital labour platforms has been on the rise. Drawing on media reports, our own desk research, interactions with the various platform workers' associations, and the interviews we conducted for this report, we estimate there to be between 60,000 and 100,000 platform workers in Ghana.⁶ This is a significant figure, considering the significant unemployment rate in the country.

The challenges of navigating the public transportation system in Ghana's urban centres have certainly made the services of platforms like Uber, Bolt, The Black Ride, Swift-Wheels, and Yango popular as a more convenient mode of transportation, with the Ghanaian middle class increasingly favouring such platforms over regular taxis and trotro (privately owned public minibuses). Platforms can also be competitive in

pricing, often offering promotions to customers, as they often have other venues of financial income (e.g., venture capital) than the traditional transportation companies.

Quality of Platform Work

Although digital labour platforms seemingly have the potential to generate work and income opportunities for Ghanaians, the quality of work in the platform economy remains a pressing problem. The OECD captures the quality of work on three fronts: earnings quality, labour market quality, and quality of the working environment.⁷

Earnings quality captures the extent to which average earnings contribute to workers' wellbeing. Drawing from the Fairwork principles and league table ratings from 2021 and 2022, it is evident that these three measures for platform work remain a challenge in Ghana despite progress from some platforms. As we found this year, rising costs have further impacted the ability of workers to access fair pay, which pushes them to work longer hours, at levels detrimental to their wellbeing.

Labour market quality captures those aspects of economic security related to the risks of job loss and its economic costs for workers. Platform workers, as independent contractors, have only limited access to social protections and safety nets, which ultimately exposes them to security, financial, and social risks, in the absence of support from platforms.

This is a core reason why we could not evidence any of the platforms we studied in Ghana this year to meet Fairwork's second principle, fair conditions, because workers often lack access to basic minimums of health and safety at work. Across the two main subsectors studied (i.e., ride-hailing and delivery), our research shows that platform workers in Ghana face poor pay, dangerous working conditions, unfair contract terms, poor platform management structures, and an inability to organise and bargain collectively.

PLATFORM WORKERS IN GHANA FACE POOR PAY, DANGEROUS WORKING CONDITIONS, UNFAIR CONTRACT TERMS, POOR PLATFORM MANAGEMENT STRUCTURES, AND AN INABILITY TO ORGANISE AND BARGAIN COLLECTIVELY

The quality of the working environment captures non-economic aspects of jobs, including the nature and content of the work performed, working-time arrangements, and workplace relationships. These are measured as the incidence of job strain, characterised as high job demand with low job resources. For instance, on ride-hailing platforms, specific drivers may work for longer hours a week, which according to our findings, is often related to the driver owning their own vehicle or working part-time or full time. There is no government policy to limit drivers from overworking or a medium designed to build relationships or facilitate collective voices on the job. Balancing these three aspects has been a challenge in Ghana as the quality of employment is considered low, even in the public sector, where the government is the employer. These apparent job quality issues are partly evidenced by platform workers' constant mobilisation and strike action in different cities across the country.^{8 9 10 11 12 13}

Prevailing Subcontracting Arrangements

A defining characteristic of how the platform economy in Ghana operates relates to platforms' practice of adopting subcontracting models, where platforms engage third-party companies, which in turn engage platform workers as independent contractors. Subcontracting creates new layers between workers and their employers, which further exacerbates poor working conditions such as long working hours, low pay, and lack of social protection for the worker,



as the lines within the employment hierarchy become blurred, as well as the question of whose responsibility it should be to provide these protections to workers.¹⁴ In the research we undertook for this year's report, subcontracting relationships emerged as a particular issue affecting the working conditions in the platform economy, coupled with high inflation and rising costs.

We found that many of the interviewees in this study did not own their vehicles, and instead leased them from others. We observed two levels of subcontracting model in Ghana: the 'work-and-pay' model and vehicle sales or rentals model. Both involve weekly remunerations to an employer or vehicle owner.

In the 'work-and-pay' model (aka hire purchase), the vehicle owner typically multiplies the price of the vehicle by 2.5x or 3x, depending on the age of the vehicle. It can take 36 months or more for the worker to make all the car payments and assume ownership of the vehicle, while having to bear associated costs like maintenance. Furthermore, vehicle owners can forcefully terminate this arrangement without compensation, resulting in significant losses for workers.

The other common arrangement is for workers to work for the vehicle owner and make daily or weekly so-called ‘sales’ to the owner. This model can involve various payment models: one type is where the driver pays a fixed amount per day/week and keeps the rest of their earnings; another type is where the driver pays the vehicle owner their daily wages for five days and keeps their sixth day’s earnings (with one day of rest per week). A variation of this model, which is especially common in the delivery subsector, is where the worker is paid a fixed weekly income for a specific number of hours of work and a minimum earning per day by the vehicle owner. The worker’s fixed income is usually less than 40 percent of earnings minus the platform’s commission. It is important to note, however, these arrangements existed in the conventional taxi industry, where workers engage in these sorts of working arrangements. Ride-hailing platforms such as Uber ‘platformised’ these arrangements by allowing vehicle rental companies and individual vehicle owners to become fleet owners as a way for business owners to maximise their assets i.e., their vehicles. In other words, using the platform technology to monitor drivers’ labour input has made it a viable business for rental companies and other individual investors. Platforms possess perceived transparency for such investors based on the data they possess, which is completely different from how similar arrangements worked in the conventional taxi industry.

Labour Organising: Against all Odds

Labour movements have always played a key role throughout Ghana’s history. From the days of the independence struggle in the late 1950s till today, workers’ associations through the Trade Union Congress (TUC) have fought for better working conditions and undertaken essential functions, such as negotiating with employers on behalf of employees, policing employment contracts, leading strike actions, participating in political organisations at the national level, and engaging in public advocacy to advance workers’ interests. Worker unions in Ghana have been mainly active in the formal sector, with a handful operating in the informal sector, mainly as welfare associations. However, this is not the case for platform workers. At the time of writing, platform collective worker bodies are still lobbying for recognition by platforms and, most importantly, by regulators. In essence, a firm policy from regulators on this issue will force platforms to better recognise worker voice.

A core challenge for platform workers in Ghana is being classified as independent contractors, which limits their rights to better working conditions. Like other informal workers, platform workers face numerous barriers to organising, from the lack of an official ‘employer’ to address their demands, to the lack of a defined ‘workplace’ where



they can meet with and discuss concerns with other workers. This often causes workers to be isolated, atomised and placed in competition with one another. Despite these difficulties, however, platform workers are starting to organise both formally and informally. In the online context, platform workers in Ghana utilise social networking and communication apps such as WhatsApp, Facebook and Telegram for knowledge sharing and coordinating protests against poor working conditions.

AT THE TIME OF WRITING, PLATFORM COLLECTIVE WORKER BODIES ARE STILL LOBBYING FOR RECOGNITION BY PLATFORMS AND, MOST IMPORTANTLY, BY REGULATORS.

We also found that numerous nascent platform workers' associations have been established in the ride-hailing sector. Nine such associations have joined forces under the National Alliance of Digital Drivers Unions Ghana (NADDU), which has been formally registered with the Registrar General and is currently working with the Trades Union Congress Ghana (TUC). Other organisations like NADDU include the Ghana Online Drivers Union (GODU) and the Takoradi Online Drivers Association. These unions have been active through regular meetings, organising road-safety training, and protesting to demand better working conditions from platforms and better policies from the government. For instance, in April this year, GODU, led by the union president Francis Kweku Tenge, organised a two-day national strike targeted at Uber, Bolt and Yango in response to high commission rates and insecurity.¹⁵

As discussed later in this report, platforms like The Black Ride are setting good examples by recognising collective worker groups and encouraging them to democratically contribute to critical decisions that affect their labour process. Fairwork calls on other platforms to recognise the rights of workers, which can unlock a safer, more secure, and fairer platform economy for all.



THE LEGAL CONTEXT

What Makes a Worker an Employee?

As in many jurisdictions in Sub-Saharan Africa, Ghanaian labour law contains a legal loophole that benefits digital labour platforms. In simple terms, the Ghana labour law does not possess a classification for platform workers, which has facilitated exploitation of labour.

Compared to formal employees, platform workers do not possess the rights to decent working conditions, because platforms classify them as “independent contractors”. By designating their employees as independent contractors, platforms can avoid the expenses and obligations associated with employees’ rights—minimum pay, maximum hours, paid time off, etc. Despite this classification, platforms tend to unilaterally decide what their workers earn based on their algorithms, a privilege which attracts workers’ demand for calling into question if they are truly independent.¹⁶ In other words, there is no avenue for workers to contribute to the decisions affecting the labour process or any transparency on how work is being issued. In Ghana right now, platform companies categorise every single one of their platform workers as independent contractors. Platforms are therefore not responsible for providing any of the benefits to platform workers, because the Labour Act of 2003, Section 10 (Act 651), does not include the definition of platform workers, but employees.¹⁷

PLATFORM WORKERS DO NOT POSSESS THE RIGHTS TO DECENT WORKING CONDITIONS, BECAUSE PLATFORMS CLASSIFY THEM AS “INDEPENDENT CONTRACTORS”



Digital labour platforms use the classification to get around the rights that workers generally have under Section 10 of this Act.¹⁸ For instance, while the Act guarantees the right to work in a safe and healthy environment, some platforms believe it is their workers’ responsibility to ensure their safety. Similarly, while the Act espouses workers’ right to establish or join a union to negotiate for improved circumstances, platforms rather consider unionisation

efforts as collusion.¹⁹ Because they categorise their workers as independent contractors and deny them employee benefits under the Labour Act, platforms can also develop their own rules of engagement and act as arbitrators in any disputes with workers.

While some workers (initially) find benefits in being independent contractors (including working flexibly), mounting evidence reveals that platform workers in Ghana and elsewhere are not entirely as independent from platforms as their employment status stipulates. While platform workers may lack set working hours or a specific manager, they are nonetheless subject to other types of



control, such as algorithmic management, rating systems, sanctions, and the fear of their accounts being arbitrarily terminated—and hence losing their jobs. Due to contractual restrictions, lack of resources, or their contracts being governed by foreign laws, rather than the Ghanaian labour law, workers can end up having little to no opportunity for recourse for their grievances.

Compared with other parts of the world, there has not yet been a clear attempt from policy makers and government in Ghana to enact rules and regulations guiding the platform economy. While worker associations have been active in

Ghana, they have not yet led to worker reclassifications or development of policies that protect them. Workers in multiple countries have attempted legal actions against platforms to claim employment benefits, with mixed success. In one instance, Uber drivers in South Africa were unable to take a dispute with Uber to arbitration as courts decided that despite operating in the South African market, the Netherlands-based company (the party identified in drivers' contracts) fell beyond the reach of South African law.²⁰ In Kenya, on the other hand, the High Court refused to dismiss a case brought by Uber drivers on the premise that Uber BV (Netherlands) fell outside of Kenyan law. Instead, the Court ruled that there was a relationship between Uber BV (Netherlands) and Uber Kenya Limited.^{21, 22} This landmark ruling may yet pave the way for workers in Kenya to challenge global giants like Uber in their local courts, and usher in the much-needed legal reform to protect their interests.

GHANA NEEDS NEW LABOUR LAWS RESPONSIVE TO THE SPECIFICITIES OF DIGITAL LABOUR PLATFORMS TO ENSURE THAT LEGAL RECOURSE IS POSSIBLE FOR ALL PLATFORM WORKERS.

Against this background, we found evidence for only two of the ten platforms we studied being subject to the law of Ghana, meaning that platform workers have access to legal recourse in the jurisdiction where they work, if the platform breaches their contract. Ghana needs new labour laws responsive to the specificities of digital labour platforms to ensure that legal recourse is possible for all platform workers.

Through this second report, the Fairwork team hopes to reiterate our previous call to Ghana's Labour Department, the Ministry of Labour and Employment, and all other relevant agencies in Ghana to take immediate action to push for platforms to recognise their workers as "traditional" workers covered by the country's Labour Act, not as independent contractors.

Fairwork Ghana Scores 2022

Minimum standards
of fair work

Glovo 5 /10 

The Black Ride 5 /10 

Bolt 0 /10 

Bolt Food 0 /10 

Feenix 0 /10 

InDriver 0 /10 

JumiaFood 0 /10 

Swift-Wheels 0 /10 

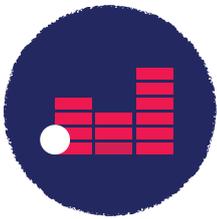
Uber 0 /10 

Yango 0 /10 

The breakdown of scores for individual platforms can be seen on our website:

www.fair.work/gh

Explaining the scores



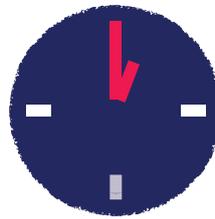
Fair Pay

This year, we could not find sufficient evidence that any of the ten platforms we studied could ensure that workers earn at least the minimum wage of GHC 13.53/day (\$1.15) after work-related costs. This principle was particularly challenging to verify, given the rising fuel costs and other expenses due to high inflation in the country. As an effect of the inflation, the minimum wage threshold increased from GHC 12.53/day last year.

When assessing minimum earnings, the scores took into account not only workers' earnings, but also their spending, such as the cost of providing task-specific equipment and paying work-related costs out of pocket (such as unpaid waiting times, travel costs, vehicles, petrol, mobile phone data and insurance).

We were unable to award a second point to any of the platforms, given the first threshold was not met. We were unable to find sufficient evidence to conclude that any of the platforms we studied ensured that workers earned a living wage of GHC 39.1/day after costs. It is worth noting that the cost of living in Ghana has also gone up compared to last year, which further impacts workers' wages.

Thus, under the Fair Pay principle, none of the ten platforms was awarded either the first point or the second point.



Fair Conditions

Platform workers continue to experience difficult working conditions, such as robbery, road accidents, fatigue from long working hours, and—at the extreme—loss of life, especially on ride-hailing platforms. This year, only one of the ten platforms we studied (Glovo) could evidence a number of strategies they take to protect workers from risks that arise on the job.

In addition to providing basic mitigating strategies like an emergency button, Glovo provides comprehensive insurance covering accidents and third-party liabilities, free learning facilities for workers interested in learning alternative skills, and periodic safety training. The road safety seminars are organised in collaboration with the Motor Transport and Traffic Directorate (MTTD) to educate riders about the dangers on the job. There are also materials provided free of charge such as portable batteries and phone holders to help workers on the job. The platform also restricts orders from dangerous neighbourhoods with high crime rates in order to protect workers. While positive improvements are being made, we urge the platform to consider making all its working materials including reflective backpacks and helmets to be free of charge for all workers. This will be critical in receiving principle 2.1 next year, based on our updated principles.

We could not award a second point to any of the platforms, as we were unable to collect sufficient evidence to conclude that they took meaningful steps to compensate workers due to their inability to work.

Thus, under the Fair Conditions principle, only one platform was awarded the first point.



Fair Contracts

For the first point, only two platforms (The Black Ride and Glovo) could evidence they have clear, transparent, and accessible contracts governed under Ghanaian law. These were also reflected in the worker interviews, based on what workers said about the ease of reading the terms and conditions. Platform workers are also notified of the changes made on these two platforms within a reasonable timeframe.

Only one platform (Glovo) could provide evidence that its contract with workers did not unreasonably exclude liability on the part of the platform.

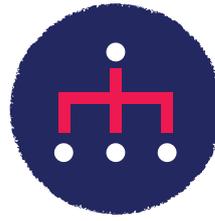
Thus, under the Fair Contracts principle, two platforms were awarded the first and second points.



Fair Representation

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. For the first point, only one (The Black Ride) of the ten platforms could provide evidence of freedom of association and the assurance for workers to express their collective voices.

Regarding the second point, The Black Ride was the only platform to recognise an independent collective body of workers publicly and formally. Specifically, The Black Ride signed an MOU with various worker associations to further demonstrate that it is committed to supporting democratic governance, allowing workers to play a meaningful role in critical decisions affecting their work.



Fair Management

Arbitrary termination or deactivation is a big concern for platform workers, who lack the recourse available to formal employees. The Fairwork scoring system stipulates that platforms must provide a documented communication channel and processes for workers to appeal penalties and disciplinary decisions.

Only two platforms, The Black Ride and Glovo, could verifiably demonstrate the existence of a due process for decisions affecting workers. For Glovo, workers can contact the platform via the web page, email, and live chats as documented on the website. There are also physical contact hours where workers can visit the office to resolve any issues they are experiencing. The Black Ride platform also has documented communication channels in the terms and conditions, with contact numbers and social networking platforms as other means to engage with workers. For both platforms, there are transparent processes to appeal deactivations or disciplinary measures, including communicating via any of the channels stated above.

For the second point, we encourage platforms to ensure equity in the management process and that steps are taken to include marginalised or disadvantaged groups. Two platforms, The Black Ride and Glovo, have issued public anti-discrimination policies and committed to proactive measures to advance equity on their platforms. For The Black Ride, it is clearly stated in their terms and conditions of investigating barriers that prevent equal participation for the underrepresented or disadvantaged groups, such as women and disabled people.

Thus, under the Fair Management principle, only two platforms met the first and second points.

PLATFORM IN FOCUS

The Black Ride

The Black Ride is one of a few local ride-hailing platforms in Ghana striving to create better working conditions for ride-hailing drivers. The platform currently has over 1500 drivers (known as captains) and serves over 8500 riders (customers). Having scored 5/10 this year, there is still much work to be done to improve things.



Principle 1: Fair Pay



Ensures workers earn at least the local minimum wage after costs



Ensures workers earn at least a local living wage after costs



Principle 2: Fair Conditions



Mitigates task-specific risks



Provides a safety net



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 collective worker voice



Supports democratic governance



Maximum possible Fairwork Score



What is new with The Black Ride?

As part of efforts to improve drivers' working conditions, The Black Ride (as a business) has re-strategised its operations. This is meant to create more decent working conditions for drivers and ensure that it can remain competitive in the Ghanaian ride-hailing sector. One of the strategies has been to shift base from Sekondi-Takoradi, the country's third-largest city, to Ghana's capital Accra. Accra being the capital of Ghana, the platform hopes to increase its customer ridership and driver subscription.

In June 2022, following up on its commitment to engage and negotiate with worker unions, the platform signed a memorandum of understanding (MOU) with various digital driver unions in the country to promote a safe and fair working environment for digital drivers. Since signing the agreement, The Black Ride has held several meetings with workers' unions to operationalise the MOU. This step aligns with principle 5 (Fair Representation) of Fairwork—recognising worker unions and collective bargaining. The four worker unions representatives who signed the MOU were, namely, National Alliance for Digital Driver Unions (NADDU), Ghana Online Drivers Union (GODU), Online Drivers Union – Ghana (ODUG), and Think Ahead, expressed appreciation for the recognition, as it will enable the platform drivers to approach the platform more freely with their grievances. One driver we interviewed for this study, Lato (not his real name), who was previously a transport officer for a pharmaceutical company, highlighted the company's progress in recognising and working with driver associations. According to Lato:

The Black ride is a local company and I think that if the app drivers in Ghana all use that app it will be better. Because they listen to us drivers. Some of the features on their app are far better than the other platforms. For we told them we want to see where the rider is going, and they have done it on the platform for us. We also told them to verify riders and they have done that one too. This particular one they have done for the riders to verify their identity will make us somehow safer because we know who the rider is. We have told the other app companies about this thing but up till now they don't want to do it for us. Yet, most of the time we the app drivers are being attacked and some even have been killed.

This year, The Black Ride scores a 5/10 on the Fairwork league table, with significant improvements under

Fairwork principles 3, 4, and 5. However, compared with last year's ranking, The Black Ride lost two points under principles 1 and 2. Just like many of the platforms, not meeting principle 1 this year is attributed to the inflation and rising costs in Ghana, which has had a toll on the costs that workers have to incur in working on digital labour platforms – some of the associated costs include data charges, fuel, call credits, maintenance, and the general rise in the minimum living wage in Ghana. Thus, workers on digital labour platforms, including The Black Ride, have had to spend more to make a living. For principle 2, there was insufficient evidence that there are policies in place that mitigate task-specific risks for all their workers.

The Black Ride still needs to do more to create fairer working conditions for its drivers. One of the ways to achieve this is to ensure that drivers, after taking out all the costs associated with their work, still take home a living wage. Evidence from worker engagement with The Black Ride drivers (aka "captains") also suggests the need to create fairer conditions by providing safety nets for captains who experience loss of income due to unforeseen circumstances, including illness and injuries. Fairwork will continue to work with The Black Ride to advance fairer working conditions for all its workers.

Workers' Stories

Issah*, 25, Bolt driver

Aged 25, Issah has been working on the Bolt platform for almost three years. He hails from Paga in the Upper West Region of Ghana and previously worked as a gardener in a residential estate where he earned about GHC 400.00 (\$29) monthly. He was introduced to the ride-hailing work by one of his friends who is also a ride-hailing driver. His motivation for becoming a driver was to earn more income as compared to being a gardener. He works six days a week and about 11 hours a day on Bolt – a total of 66 hours weekly. He does not own the vehicle he is driving, instead doing “work and pay” – he pays GHC 400.00 (\$29) on a weekly basis to the car’s owner.

Working as a ride-hailing driver stopped being lucrative for Issah at the beginning of the year. He told us his earnings used to be okay, as he was able to break even. However, since the beginning of 2022, he has not been able to do so, and he barely makes enough to take home for the day. He told us: “Since we started this year, the work has not been good at all. They keep increasing the fuel and it’s really affecting us. This year alone they have increased fuel about five times. As they increase the fuel, instead of Bolt reducing the commission they have rather increased it from 20 percent to 25 percent. So, most of us drivers just work to buy fuel and then Bolt, too, takes the rest of the money as commission, which is very bad. It is like we are working for them without getting anything in return. Meanwhile we have to do weekly sales too. Me, for example, I do weekly sales of about GHC 400.00 (\$29). Some drivers even do sales of GHC 450.00 (\$32) so you can imagine. Even those who have a newer car do sales of GHC 500.00 (\$36). As for the fuel maybe, they cannot do anything about it, so they have to do something about the commission for us. At least, if they can reduce it to 15 percent, it will be OK for us.

Issah thinks that the conditions of work are not good for the riders. He told us: “Most of the time I work long hours. I just closed this morning around 1:00 am. Even as I’m sitting and talking with you right now, I feel back pains. Most of us spend a lot of time driving so we have become like employees to them, so they need to pay things like SSNIT and even pay accident insurance for us – at the moment they don’t do it”. Issah also

worries about his safety: “If you’re working and you get in an accident you don’t even know what will happen to you, because most of the time Bolt does not care. They only care about the riders and not we the drivers. Some drivers chase bonuses because that’s what goes into clearing their service fee. They end up working long hours which makes some drivers sleep on the job. It will be good for the government to help us. We need a local app for ourselves.”

Seam says that the conditions in the platform are not favourable for the worker and that there are no fringe benefits. He told us that customers’ behaviours often led to higher costs: “Often, I am worried whether a customer would really use this trip till the end, or after reaching pickup point, they would cancel the trip. And I would have to bear a loss since Truck Lagbe does not have any policies for it(...) Sometimes a customer wants to go a few kilometres more from their actual destination. However, I do not get any payment for the additional distance covered. Because the app does not show an extra charge for that.”

Seam said that there is no safe place to rest after reaching the destination after long hours on the road. He feels that Trucklagbe should provide workers with rest stops to get refreshed during work. He also expressed concerns with the platform’s management. He often received late payments from TruckLagbe and the platform is unresponsive when he calls them after 5 pm for any assistance. This is due to the platform’s office hours, but he feels that truck drivers may need assistance even after office hours, and that support should be available. He also complained about being deactivated without notice. Seam wants the platform to treat workers fairly and not just prioritize its customers.

Ariana*, 27, Jumia delivery driver

Ariana has worked full-time on the Jumia Food platform for the past two years. She is 27 years old and works about 10 hours a day, for six days a week. She hails from Gamashie in Accra. Ariana joined Jumia Food to earn a better income than her previous job as a security officer, where she earned GHC 500.00 (\$36) monthly. She works through a social enterprise that provides support to platform workers in their line of work. One of the supports she has received is access to a motorbike, which is the main equipment needed to perform her work.

Ariana laments that the high cost of fuel and the cost of the motorbike is having a toll on her earnings. She told us: “The fuel price is a big problem. I used to buy fuel at GHC 25.00 (\$1.80) a day, but now I buy about GHC 40.00 (\$2.90) or sometimes GHC 50.00 (\$3.60) a day. It is like every day they increase the price of fuel. So, you work but at the end of the day, you have nothing left to you. The way things are going, I wonder how I can even pay for the bike because I have to “work and pay” for the bike. I pay about GHC 300.00 (\$21) every week and the cost of the bike is GHC 13,500.00 (\$964), so you can imagine, with this, when am I going to finish paying for the bike.

She adds that: “Those of us who are doing work and paying spend all our money on paying for the motorbike. In a week I get about GHC 720.00 (\$51). It’s this same money that I need to take out my fuel, how much will be left for me to pay for the bike in the week?... I’m supposed to pay about GHC 300.00 (\$21) every week for the bike. So, most of the time at the end of the week you realise that you don’t even get money to pay for the bike.”

When asked whether the platform provided any special dispensation for women workers like herself, she said:

“I know some other women too who are on Jumia doing delivery too. I don’t know for them but as for me, I haven’t seen anything special that Jumia is doing for us women.”



THEME IN FOCUS

Demand for Fair Pay in Ghana's Platform Economy amidst Rising Inflation and Cost of Living Crisis

According to the Mastercard Foundation, the platform economy in Africa is expanding at an average rate of 20 percent per year.²³ The Foundation further anticipates that in the face of widespread unemployment in the region, Africa will have 80 million gig workers by 2030.

The platform economy in Ghana has assumed an increasingly vital role for providing a livelihood for unemployed youth. Indeed, digital labour platforms are widely hailed as the solution for filling the unemployment gap, as they make it easier for young people to get employment, in the face of a lack of vacancies in the public and formalised private sectors. However, jobs in the platform economy can still involve economic hurdles that continue to impede the livelihoods of workers.

In Ghana, our research indicates that platform workers (predominantly ride-hailing drivers and delivery workers) have been at the mercy of a rise in inflation levels, which is affecting their livelihood. These are familiar experiences for workers in other African countries, including South



Africa, Egypt and Tanzania, where platform workers have complained about high inflation costs affecting their earnings. Ghana's annual inflation rate rose .²⁴ From an initial rate of GHC 6.50 (\$1) at the start of 2022, the US dollar is now worth more than GHC 12.00 (\$1),²⁵ indicating a severe devaluation of the currency. With the US dollar being the main currency for the purchase of fuel, the price of fuel has risen from an initial GHC 7.00 (\$0.59) per litre in January 2022 to GHC 10.00 (\$0.85) in mid-2022. As of October 2022, the price of diesel in Ghana stands at 16.00. (\$1.37) and 13.50 (\$1.10) per litre for petrol. The Chamber of Petroleum Consumers Ghana (COPEC) predicts that fuel prices in Ghana could reach GHC 18.00 (\$1.50) per litre by the end of December 2022.²⁶

WITH RISING INFLATION AND FUEL PRICES PLATFORM WORKERS POINTED OUT THAT THEY ARE STRUGGLING TO MAKE ENDS MEET

With rising inflation and fuel prices, the platform workers we interviewed in Ghana pointed out that they are struggling to make ends meet, as many of them struggle with everyday expenses and have to work longer hours to maintain a decent living standard (see Ariana's story, above). When speaking to us, Francis Tengey, the president of the Ghana Online Drivers Union (GODU), pointed to the continuous rise in fuel prices as adding to the already worsening conditions for platform workers. Still, platform companies have not made a change in their operational models to adjust to workers' decreasing earnings. After taking out associated costs and expenses such as fuel, data, call credit, maintenance and weekly payments to car owners, many drivers are unable to break even. Indeed, many of them have had to switch between two or three platforms to work extra hours round the clock to cover their everyday expenses.

Francis further told us that, in order to be able to work more hours, drivers have resorted to energy drinks and, in some cases, stimulants, just so that they have more energy to stay behind the steering wheel around the clock. In his view, platform workers, especially drivers, will only see some sign of relief if ride-hailing platforms reduce their service charges per trip from the current rates of 20-25 percent, to 15 per cent.

An effect of working longer hours and lack of sleep is



that platform workers put their health at risk. Some of the workers we interviewed have had to create a second home in their cars because they work round the clock and only can afford to take naps in their cars. This puts a lot of strain on the vehicles, increasing their wear and tear, so workers have to spend more on maintenance.

AN EFFECT OF WORKING LONGER HOURS AND LACK OF SLEEP IS THAT PLATFORM WORKERS PUT THEIR HEALTH AT RISK.

There have not been any significant improvements in Ghana's unemployment situation post-COVID-19, and many workers who were laid off have been unable to return to their jobs or secure new ones. Drivers who find themselves in this situation have therefore turned to digital labour platforms to earn a living, but this means increased competition for work, thus driving down wages. This was the case for Emmanuel (not his real name). In an interview, he told us he once worked as a journalist but lost his job at the height of the COVID-19 pandemic and has since been unable to secure any work in journalism. He now works on Uber and Bolt for a living. If the Ghanaian economy does not improve, as many analysts fear, platform workers may face stiffer competition as unemployed people increasingly turn to digital labour platforms to make ends meet.

While the insights provided in this section have focused mainly on ride-hailing platform workers, they apply to the broader platform economy in Ghana, underscoring the importance of considering the everyday experiences of workers and the contextual situations involved in platform work.

MOVING FORWARD

Platform changes

As part of Fairwork's action approach, we have sought to engage in a constructive dialogue with all platforms assessed in this report. As an outcome of this engagement, two platforms (Glovo and The Black Ride) have implemented important changes based on feedback from the Fairwork team between 2021 and 2022. In other words, these platforms made commitments to make improvements in 2021, and have fulfilled those commitments.

Fair Conditions

- Following Fairwork's recommendation, Glovo has improved the way they communicate to their workers about strategies taken to mitigate risks. Some of these include sending out regular newsletters to workers, periodic safety seminars and courses to educate riders of dangers on the job, and free online learning resources and facilities to encourage workers to learn alternative skills.

Fair Contracts

- Although The Black Ride Platform was awarded the point last year, we urged the platform to explicitly include the name of the company in its terms and conditions for clarity. Last year, the terms and conditions had a different name, indicative of other businesses being managed, with little or no explicit mention of The Black Ride. This year, the Platform has made this change within the terms and conditions, which is now publicly available.

Fair Management

- The Black Ride followed up on its written commitment to codify communication channels and processes within their terms and conditions. Contact numbers within the contracts are included in cases of appeals. The platform also commits to not suspending or deactivating a worker's account without a fair hearing within two days of violations, except in extreme cases.

- Glovo has also included an anti-discrimination policy this year, following our engagement from last year, which was critical for receiving principle 4.2 this year. However, we also urge the platform to explicitly adopt measures that promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.

Fair Representation

- Although The Black Ride met this point two years running, they went a step further this year in publicly signing an MOU with various worker associations, allowing workers to meaningfully contribute to critical decisions, which further consolidates both 5.1 and 5.2 this year. It is important to note that The Black Ride have been making changes to their policies based on the Fairwork principles and in consultation with the Fairwork team. The platform is working hard to be a 10/10 example for all digital labour platforms in Ghana by ensuring better working conditions for all their workers.

MOVING FORWARD

Pathways of Change

This report shows how much work still has to be done. As Fairwork's reach and visibility increases, we see four avenues for contributing to continued improvement in the Ghanaian platform economy (see Figure 1).

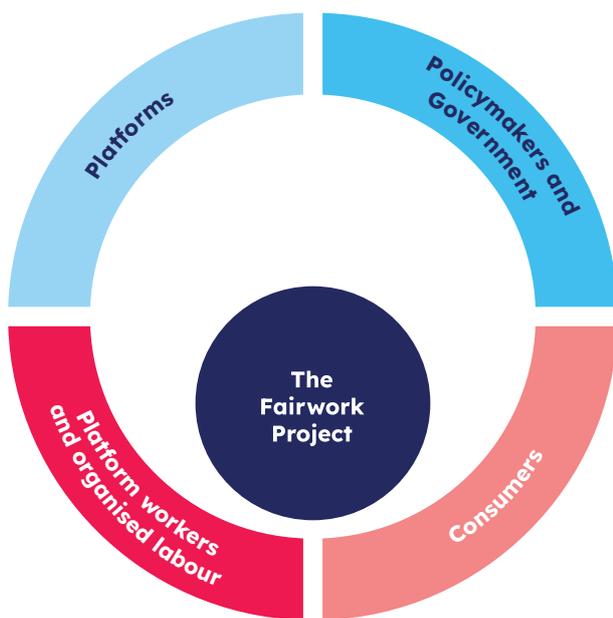


Figure 1: Pathways of Change

Platforms

One of the direct ways to create a fairer platform economy in Ghana starts with digital labour platforms improving working conditions for platform workers. Some of the platforms in Ghana are familiar with the Fairwork ratings and want to do better than they did last year in our ratings. For example, over the past year, The Black Ride and Glovo have been working with Fairwork to introduce or improve their policies in line with the Fairwork principles. Other engagements over the past year include a meeting with

Bolt to discuss measures they can put in place to create fairer working conditions for workers. Given that most workers bear the costs associated with making a living on the platforms, platforms need to ensure that after costs, no worker's earnings fall below the minimum wage. For most platform workers in Ghana, the cost of fuel and maintenance has increased significantly since the COVID-19 pandemic began to subside, driven by inflation.

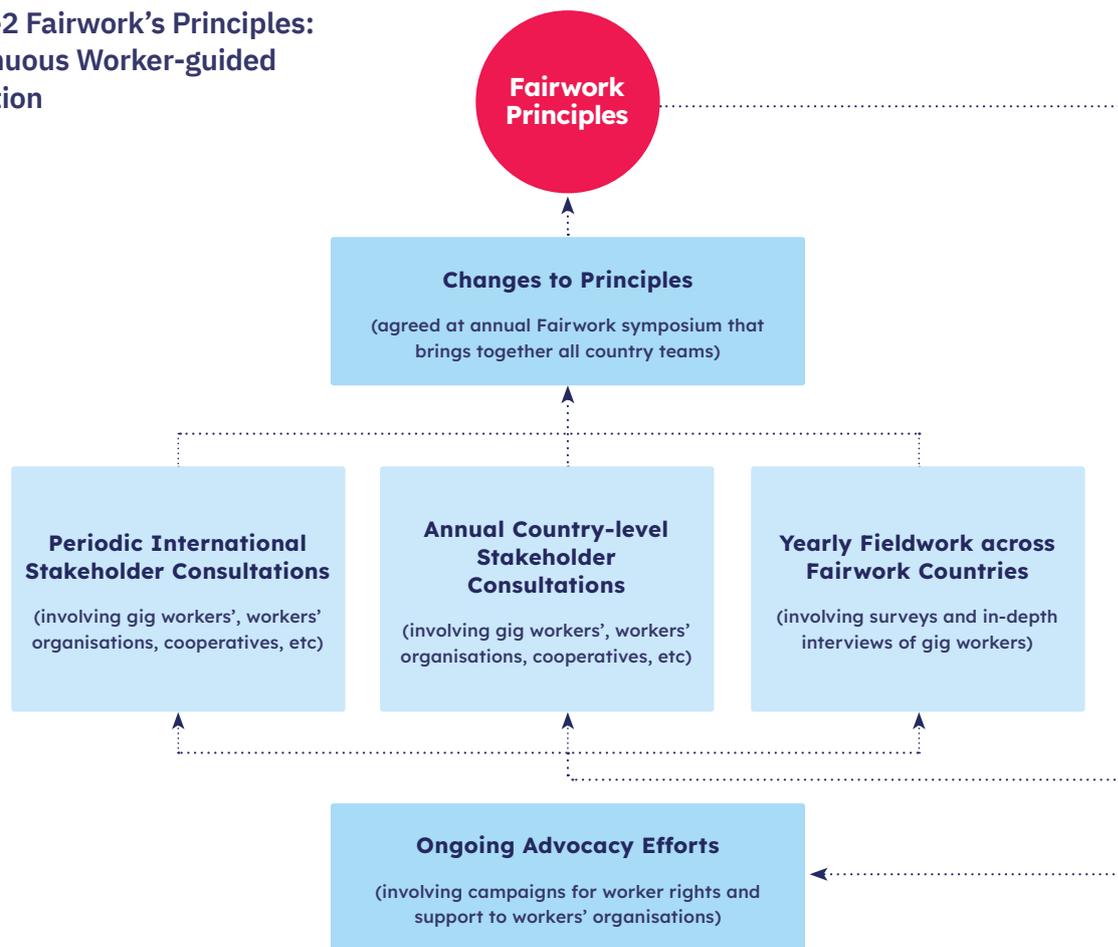
Further, platforms need to implement policies that workers understand. They need to make sure that significant changes are fully discussed with workers, especially if they affect the income levels on which workers have come to depend. Some platforms have shown that they want to be more open with their workers, but we were unable to evidence the same level of commitment from all platforms on this point.

Where the policies implemented by platforms are not in the collective interest of their workers, workers should have the right to voice their concerns as a group. Workers should also be able to challenge disciplinary decisions through a fair and accountable process. We could not evidence that most of the platforms we studied this year provided such a mechanism.

Platform Workers and Worker Associations

Platform workers and workers' organisations are at the core of Fairwork's model. First, our principles have

Figure 2 Fairwork's Principles: Continuous Worker-guided Evolution



been developed and are continually refined in close consultation with workers and their representatives (see Figure 2). Our fieldwork data and feedback from workshops and consultations involving workers inform how we systematically evolve the Fairwork principles to remain in line with their needs. Second, through continual engagement with workers and their representatives and advocates, we aim to collectively support workers in asserting their rights and requirements.

A fundamental difficulty in the platform economy in Ghana is that workers are generally not united. Platforms do not recognise worker unions and avoid engaging with identifiable worker groups. Consequently, even groups registered with the country's Trade Union Congress face impediments in projecting a cohesive voice that might bring about substantive structural change. Thus, there is a need to lay out a route for workers' activism. The necessity of fair representation, in particular, is a critical approach in which workers can be aided in asserting their collective agency. Workers may facilitate change by coming together and lobbying the government and stakeholders

in the labour sector to modify the law on the collective representation of platform workers.

We call on all worker associations in Ghana to come together to demand fair pay, fair working conditions, transparent and accessible contracts, fair management, and fair representation. It is important to note that we are always open to supporting the work of collective worker groups where possible and in good faith towards improving working conditions in Ghana.

To this end, alongside the annual Fairwork ratings, we would additionally be working to produce informational materials for platform workers, such as posters, flyers, short videos, booklets, podcasts and other materials that can support workers and the quest for a fairer platform economy.

So far, to ensure our ratings accurately represent the needs of platform workers, we have worked with one of the largest unions and labour organisations in Ghana (GODU - Ghana Online Drivers' Union), a pioneer in worker organising via digital labour platforms this year.



Figure 3: Francis Tengey, President of GODU, during his swearing in when the union was officially recognised as a trade union under the T.U.C, Ghana.

The Ghana Online Drivers Union (GODU)

The Ghana Online Drivers Union (GODU) was formed on 12th June 2019, and in July 2022, was formally recognised by the Ghana Trades Union Congress (TUC) as a platform worker union in Ghana (see Figures 3 and 4). With this recognition, we are hopeful for a new chapter in the history of platform work in Ghana where labour unions can actively push for the recognition of platform workers.

The union’s structure comprises a president with a national executive council (NEC), the union’s highest decision-making body. It also has a council of elders alongside regional, zonal and branch executives and its registered members. The vice president’s role in the union is currently reserved for a female representative. Where there is no woman available to take up the role of vice president, then the General Secretary must be female. In total, the union has about 3500 members, scattered across three major regions, namely Greater Accra, the capital of Ghana, and the Central and Eastern regions of Ghana.

The primary aim for forming the union was to help drivers obtain cars at a reasonable price for their work and to serve as advocates for gig workers, especially ride-hailing platform drivers. The union presents a collective front between all stakeholders, such as platform companies, policymakers, vehicle owners, the government and other members of interest affiliated with the Trade Union Congress of Ghana (TUC). The union has been able to organise worker demonstrations which have drawn gig platforms to grant audience to them regarding issues of drivers’ concern. The union is still talking to platforms to address drivers’ concerns, most of which have been raised in this year’s Fairwork Ghana report.

Policy Makers and the Government

There is a need for the government, through its designated state agencies, to regulate the platform economy, which will compel platforms to ensure workers earn a minimum wage high enough to cover basic living expenses and waiting time, without forcing them to put in the additional hours or take extra risks at work to make ends meet.



Figure 4. Executives about to be sworn in when GODU was officially recognised as a trade union under the T.U.C, Ghana.

Currently platforms consider workers as independent contractors, in order to avoid providing benefits like paid time off, health insurance, retirement benefits, etc. In addition to the issue of status, new legislation should focus on addressing the issues highlighted by this year's Fairwork Ghana study, which include but are not limited to pay below minimum wage levels, absence of paid sick leave, lack of insurance provision, absence of due process or fair treatment in relation to dismissal, and absence of rights to collective representation.

In Ghana, many people who make a living through platform work do so because it is their only source of livelihood. Unfortunately, the government has not taken sufficient action to address the wider problem of unemployment. The Fairwork team in Ghana has met the Head of the Labour Commission of Ghana over the last year to advise on regulating the platform economy. There are plans to develop a Fairwork Policy Brief in collaboration with relevant stakeholders, which we are hoping will achieve cross-party support.

Consumers

At Fairwork, we are hopeful that our yearly evaluation of platforms will enable consumers to make a decision about the platforms whose services they choose to use. In this way, we may combine consumer solidarity with the allies of workers in the quest for better working conditions. Beyond individual consumer preferences, our rankings can help large organisations inform their procurement, investment, and partnership practices with platforms. The scores can be used as a reference for Ghanaian institutions and businesses that want to support fair labour practices, and they can sign up to the Fairwork Pledge, as explained below.

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 materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. We are proud to announce that we have over 10 official Fairwork Supporters in Ghana.

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

WWW.FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”²⁷. 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”²⁸. 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 models²⁹

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

Fairwork distinguishes between two types of these platforms. The first, is ‘geographically-tethered’ platforms

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

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

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

How does the scoring system work?

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

Each Fairwork Principle is divided into two thresholds. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded

if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 12 months between January 2021 and January 2022, and are valid until December 2022.

Table 1 Fairwork: Scoring System

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

Maximum possible Fairwork Score



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 vehicle³⁰. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage³¹. Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, which are also considered active hours³². 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:

- 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 costs³³.

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:

- 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^{34 35}.

Principle 2: Fair Conditions

2.1 Mitigates task-specific risks (one point)

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

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks³⁶.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

2.2 – Provides a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms can achieve this point by ensuring that workers are compensated for loss of income due to inability to work.

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to ensure that workers are compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.

Principle 3: Fair Contracts

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

The terms and conditions governing platform work are not always clear and accessible to workers³⁷. To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.
- Every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

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

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

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

- Takes appropriate steps to ensure that the contract does not include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions.
- Takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

Principle 4: Fair Management

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

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

The platform must satisfy ALL of the following:

- There is a channel for workers to communicate with a human representative of the platform. This channel is documented in a contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- There is a process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface³⁸.
- In the case of deactivations, the appeals process must

be available to workers who no longer have access to the platform.

- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

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

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

Platforms must satisfy ALL of the following:

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

in inequitable outcomes for workers from historically or currently disadvantaged groups.

- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

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

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions.

However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice. Whether or not platforms set the terms on which workers are retained by service users, platforms must demonstrate that they have taken appropriate steps to ensure that workers are informed of their rights (and have mechanisms in place to help protect those rights) and that workers are directed to appropriate collective bodies or trade unions.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union, that is clearly communicated to all workers³⁹.
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform⁴⁰.

5.2 Supports democratic governance (one additional point)

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

collective bargaining with the platform.

The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. It publicly and formally recognises an independent collective body of workers, an elected works council, or trade union.
3. It seeks to implement meaningful mechanisms for collective representation or bargaining.

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30. 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.
31. 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.
32. In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs. These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.
33. 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.
34. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
35. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.
36. 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."
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. 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.
39. 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."
40. See ILO (2021) World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work International Labour Office – Geneva

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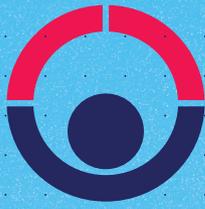


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