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Ius Laboris is a leading international employment law practice combining the world's leading employment, labour and pension firms. With an unsurpassed geographic coverage of 56 countries, Ius Laboris lawyers help clients navigate the world of HR law every day.

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This report is the result of collaboration between some of our experts from within the alliance and our central team.

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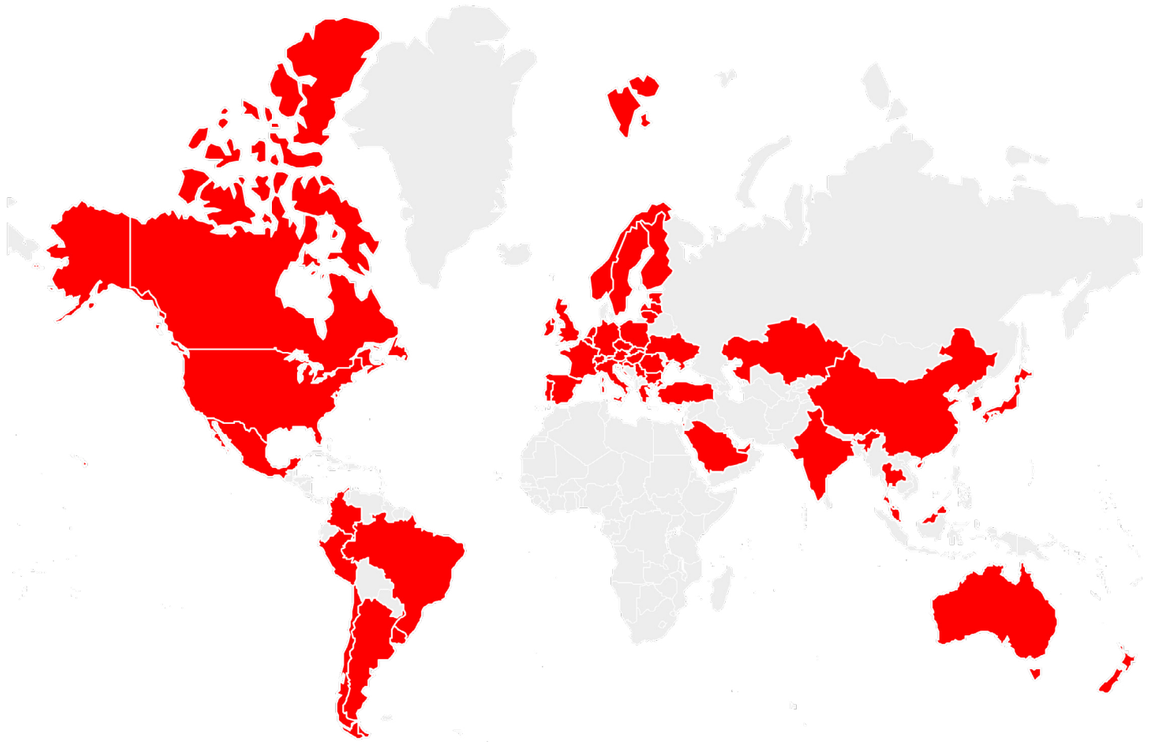

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FOREWORD

The gig economy has transformed from a niche employment model into a significant feature of the contemporary labour market. Its growth has been driven by digital platforms and technology, making it easier for businesses to engage people across borders and for individuals to find flexible ways of working. The market itself is expanding quickly, with estimates suggesting it could more than triple in value from USD 556 billion in 2024 to USD 1,847 billion by 2032.[1]

In May last year, we published 'Logging onto the Gig Economy: Global Policy Trends in Digital Platform Work', a comparative review of how countries worldwide are addressing the key employment-related challenges arising from digital platform work.

Since then, the economic picture hasn't materially changed, yet policy activity has continued. To capture this rapidly evolving area, we have produced an updated edition of the report.

Over the past several months, we have seen some noteworthy developments. Colombia enacted a new law introducing a dedicated framework for platform workers, while Malaysia passed its Gig Workers Act, which entered into force late March this year. Alongside these direct regulatory models, other countries continue to pursue more indirect approaches to shaping platform work standards, such as New Zealand's new gateway test for determining employment status, and ongoing refinements to the Dutch proposals designed to reduce misclassification.

At the same time, countries that already have dedicated regimes in place are beginning to build a body of practice around them, with regulators, courts and practitioners testing how these frameworks operate in realworld conditions. To this end, we have also seen a series of high-profile worker-classification cases, offering fresh insight into how employment status in platform work is being interpreted across jurisdictions.

Taken together, these developments mark a period of significant consolidation and set the stage for a year in which policy activity is expected to intensify even further. In June 2026, for example, the second standard-setting discussion on Decent Work in the Platform Economy will take place at the International Labour Organization's annual conference. This is an important moment, as the tripartite constituents representing the voices of employers, workers and governments continue discussions from last year's conference on adopting a new international standard on platform work.

Elsewhere, in the EU, the deadline for Member States to transpose the Platform Work Directive into national law arrives this December. With implementation activity on the gradual rise, we expect to see increased national preparation in the months ahead. It will be particularly interesting to see how countries decide to operationalise the Directive's 'presumption of employment' provisions.

Against this context, our updated report revisits several themes explored previously, but draws on a broader set of insights, having received survey responses from an additional nine countries (a total of 44 overall). It also highlights important new developments and examines in greater depth how case law is evolving and influencing national approaches.

We begin with an updated economic analysis of the digital platform economy, tracking the latest growth trends and structural shifts. We then explore employment classification issues in detail, including emerging regulation, evolving rights and protections and the policy choices governments are making. A comparative review of case law follows, reflecting the central role of the courts in resolving complex questions of control, autonomy and worker status.

We hope this report provides value not only as a global reference point, but as a practical tool. For employers, it offers clarity on the direction of travel across jurisdictions and helps anticipate compliance and operational considerations in an uncertain regulatory environment. For policy makers, it presents a comparative evidence base that can support balanced, future-focused decision-making as debates about the nature of platform work continue to unfold.

Deborah Ishihara
Head of Research, Content and Learning
Ius Laboris

KEY FINDINGS AT A GLANCE

01

The classification conundrum remains at the heart of platform work:

Countries continue to grapple with balancing protections for platform workers with the flexibility inherent in this type of work. The tension between avoiding misclassification and preserving autonomy appears central to many of the regulatory choices in the digital platform economy.

02

A growing shift toward platform specific definitions and a "floor of rights":

A number of jurisdictions are moving away from the binary employee/contractor model by introducing tailored definitions, such as "employee-like workers" and "gig specialists". Importantly, in many cases, they are extending core labour and social protections regardless of employment status. This reflects a broadening of rights beyond traditional classification categories.

03

New mechanisms for determining employment status are emerging:

Countries are introducing a wide variety of tools to provide clearer classification outcomes, including rebuttable presumptions of employment (e.g. Belgium, Spain, Portugal), presumptions against employment (e.g. Greece), and novel tests such as Mexico's salary-based model and New Zealand's gateway approach.

04

Enforcement is becoming an important regulatory lever:

Rather than redefining platform work itself, some countries are intensifying enforcement against false self-employment, strengthening oversight bodies, introducing penalties, and increasing scrutiny of platform practices. In places like the Netherlands and Italy, heightened enforcement is already impacting business behaviour.

05

Courts remain central in shaping worker status in practice:

Despite growing legislation, the judiciary continues to play a central role in questions of classification. Courts frequently prioritise the factual reality of how work is performed over contractual labels, and outcomes vary widely. Differences in rulings for the same platforms highlight the complexity and nuance of platform work and the ongoing importance of judicial interpretation.

Why does classification matter?

The classification of employment status for digital platform workers is a central issue in digital platform work and one that continues to drive debate amongst policymakers, employer bodies and trade unions. In this section, we set the scene on why classification matters in the context of regulating digital platform work.

The classification conundrum

Digital platform work sits at the intersection of two competing regulatory objectives. On the one hand, there is a need to protect workers from exploitation and ensure they receive appropriate rights and protections. On the other hand, many platforms operate flexible, on-demand models that allow workers to choose when and how much they work, something many value and wish to retain.

This creates a fundamental conundrum: how to ensure platform workers receive adequate protections without undermining the flexibility that defines the sector or unintentionally redesigning the business models themselves. The debate around employment classification sits at the heart of this tension.

The core issue of classification

Although there are some exceptions and nuances, digital platform workers are generally classified as either 'employees' or 'self-employed' (also sometimes known as 'independent contractors'). This is typically determined by the level of subordination and control exercised over the platform worker.

Classification matters because it determines access to employment rights such as minimum wages, dismissal protection and collective bargaining, and has consequences for tax and social security treatment. Employees are generally entitled to the most extensive protections, while self-employed workers enjoy greater autonomy but more limited protection.

The issue, and so often the focus of debate, is how we achieve the correct classification given it serves as the gateway through which rights and obligations flow. The relationship between classification and the rights afforded has driven a large share of the current discussions on platform work.[2]

The challenges of misclassification

A frequently voiced concern has been the issue of 'misclassification' or 'false self-employment', whereby digital platform workers are treated as being 'self-employed' when the circumstances are more akin to an employment relationship.

This issue formed a core part of the EU's proposal for a directive on improving working conditions in platform work which has was subsequently adopted and is to be transposed by December 2026. In its underlying impact assessment, the Commission reference how the "algorithmic management" that digital platforms use (i.e. the use of computer-programmed procedures to coordinate labour input)[3] can have a negative impact on some of the working conditions of platform workers and their risk of being misclassified, because it can conceal subordination behind complex digital arrangements.[4] It is also noted in the EU's assessment how the misclassification of employment status in platform work, as of 2021, had been the subject of over 100 court and 15 administrative decisions across the EU. The number is no doubt greater today.

These cases, together with the new EU directive, reflect the perceived uncertainty created by applying traditional employment tests to this new way of working via digital platforms.

Flexibility, autonomy and the realities of platform work

However, misclassification is only one side of the picture. Many digital platforms operate models built on short-term, task-based engagements, where individuals can choose when to log in, accept tasks at will, and determine their own working patterns. For many workers, this flexibility is central to why they participate in platform work.

As Colin Leckey, Partner at Ius Laboris UK noted in our 2025 report, applying the more traditional 'employer/employee' relationship to this arrangement could have very real consequences for how flexible the platform's business model can be for the benefit of those who work through them.[5]

Take, for example, platforms that operate more flexible models such as in the delivery sector. If, say, a rider is deemed to be an employee rather than self-employed following a court decision and receives a request on a platform to pick up some food, does this mean that they could simply reject the request and yet still be paid for the time between rejection and the next request coming through?

There is a friction here between the obligations that arise when worker status is applied, and the business models of certain platforms. It could lead to a situation whereby a platform has to say to its workers that we cannot give you a choice as to whether you can accept or reject a request; you will be required to accept it as we will have to pay you for the time regardless. It could also lead to restrictions on when the rider can log in. Otherwise, you could end up with a situation in which the rider could leave the app logged in overnight and then claim that they have worked all of that time.

The challenge, then, is tackling misclassification while ensuring that regulatory solutions do not inadvertently remove the genuine flexibility inherent in the business models of so many digital platforms.

A regulatory dilemma

The tension between protection and flexibility, revealed through the question of employment classification, has prompted countries to explore a range of regulatory responses. These include extending certain rights to all platform workers regardless of status, introducing presumptions of employment (or, in some cases, against employment) and strengthening enforcement tools. All the while, case law continues to develop in the highest courts of the land, guiding practice and approaches.

In the next section, we briefly move away from the classification debate to examine the wider regulatory landscape: the growing body of national, supranational and international rules now shaping digital platform work.

The rise of regulation

A key trend emerging from our survey is the rise of legislative provisions that specifically regulate, or propose to regulate, digital platform work. We also see the introduction of 'indirect measures' that, while not aimed solely at platform workers, are still expected to affect them in practice. In this section, we examine these developments, including the new regulatory provisions and the scope of their application. In particular, we look at how different countries define the types of digital platforms covered by these rules.

New rules and regulations

In recent years, a clear global trend has emerged: more countries are introducing dedicated regulatory frameworks for digital platform work, while others are adopting indirect measures that, although broader in scope, are still expected to shape how platform work is governed.

Of the countries we surveyed, 20 have introduced specific provisions that target digital platform work, while eight have advanced proposals or draft legislation. A further six have recently introduced indirect measures or proposed indirect measures that are expected to impact digital platform work.

Many of these measures seek to create specific legal frameworks for digital platform work and in doing so, adopt different approaches to issues of classification of employment status.

National versus international standards

Most of the measures above largely reflect national policy choices and domestic lawmaking. However, an emerging trend is that regulatory developments are increasingly shaped at the supranational and international level.

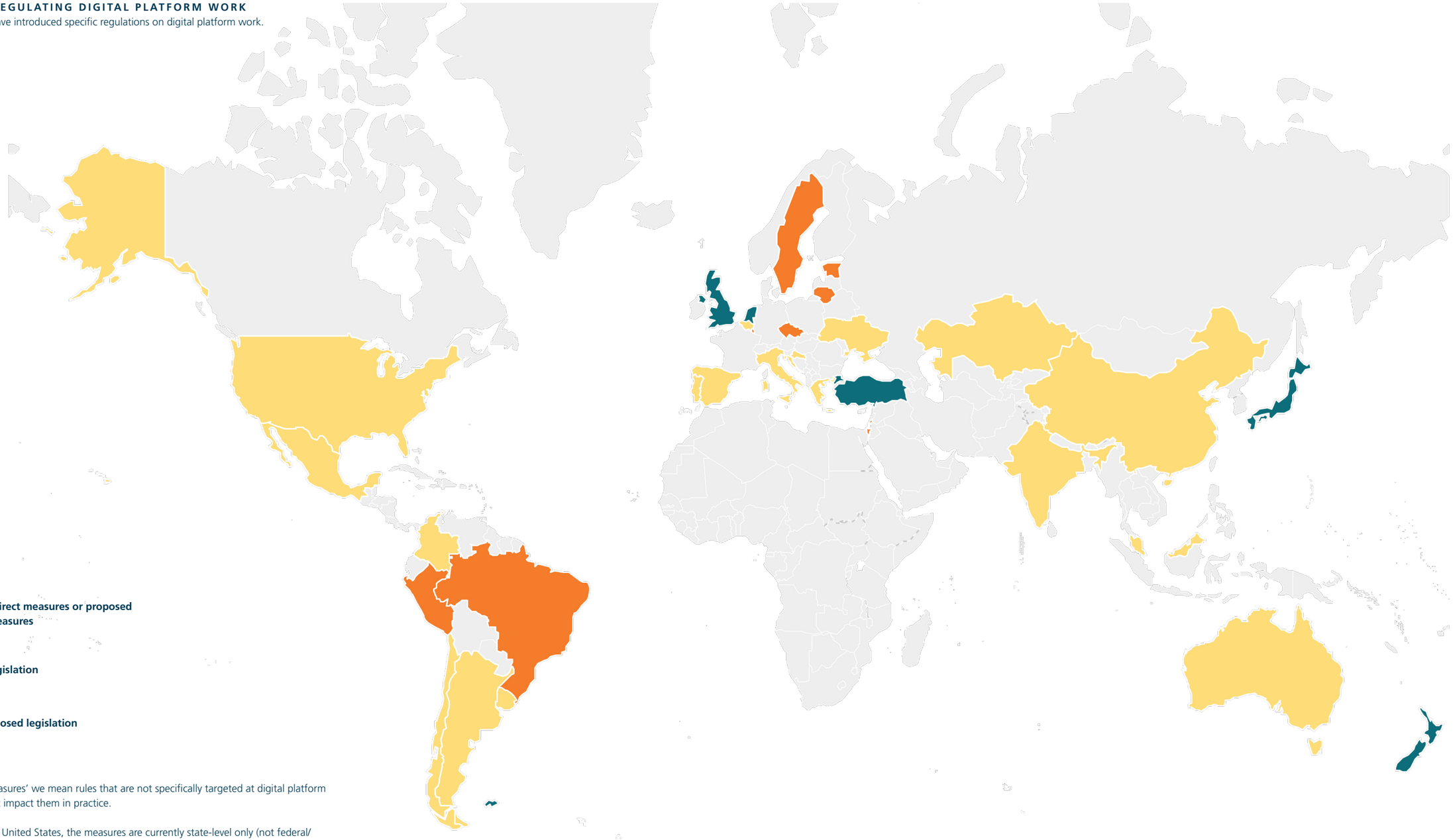
THE EU'S PLATFORM WORK DIRECTIVE

At the supranational level, the European Union has taken a significant step in regulating platform work. Directive (EU) 2024/2831 on improving working conditions in platform work (the 'EU Platform Work Directive') was adopted on 14 October 2024 and Member States have until 2 December 2026 to transpose it into national law. This reflects a major global development in the regulation of digital platform work, introducing EU-wide legislation in the area.

Importantly, the Directive introduces a rebuttable legal presumption of employment status for platform workers, together with additional protections relating to algorithmic management. Accordingly, the relationship between a digital labour platform and a person performing platform work will be legally presumed to be an employment relationship when facts indicating control and direction, according to national law, collective agreements or practice in force in the Member States are found. If the digital platform wants to rebut this presumption, it must prove that the contractual relationship in question is not an employment relationship.

With the transposition deadline approaching, there has been some progress on the implementation of the Directive by member states, with notable pockets of activity. Finland has, for example, has set up a tripartite working group to prepare implementation, while in Sweden, an official government inquiry has investigated and analysed how the EU Platform Work Directive may be incorporated into Swedish law. The inquiry proposal "Implementation of the Platform Work Directive" was published on 16 January 2026 (SOU 2026:3). It advises that Sweden introduce a completely new Act on platform work. The inquiry proposal has been circulated for consultation, and consultation responses from authorities and organisations are now being submitted. A

FIGURE 1: REGULATING DIGITAL PLATFORM WORK
Countries that have introduced specific regulations on digital platform work.



- **Recent indirect measures or proposed indirect measures**
- **Specific legislation**
- **Draft/proposed legislation**

* By 'indirect measures' we mean rules that are not specifically targeted at digital platform workers, but that impact them in practice.

For India and the United States, the measures are currently state-level only (not federal/central).

LOGGING ONTO THE GIG ECONOMY 2026

similar situation exists in Lithuania, with draft legislation being discussed in the Employment Relations Commission, part of the Tripartite Council (a national social dialogue institution that brings together the government, employer organisations and trade unions). Any legislation related to employment relations shall be discussed in the Tripartite Council before being presented for the Parliament's approval. Estonia has also recently made a draft law available to implement the Directive and has opened consultations in this regard. The draft law is expected to enter into force on 2 December 2026.

Finally, in the Czech Republic, a draft law was published on 26 March 2026. The proposed bill regulates the conditions of work through digital applications. It includes the introduction of a rebuttable legal presumption, i.e. if the work shows signs of dependence, it will be assumed that it is an employment relationship. Under the proposals, workers would also be entitled to be informed about work assignment systems and performance evaluations.

Others, however, have made less progress on transposition. In Italy, for example, no decision has yet been made on whether the Directive will be implemented into existing law or if new legislation will be created.

Elsewhere, Cyprus has not yet transposed the EU Platform Work Directive into national law, and there is no active draft law specific to digital platform work or the classification of platform workers currently under consideration. As of early 2026, implementation work on the Directive's provisions - including its legal presumption mechanisms and enhanced transparency obligations for platform work - is expected as the 2 December 2026 transposition deadline approaches, but no concrete national framework has been adopted. Cyprus's recent labour law reforms, such as the Transparent and Predictable Working Conditions Law 25(I)/2023, improve information rights and predictability in general employment relationships and require employers to register essential terms in the national "ERGANI" system, but these reforms do not create a dedicated regime for platform workers. There is no publicly available draft bill specifically addressing platform work or gig economy classification beyond this broader labour law context.

Notwithstanding the above, it seems likely that the map above will become more colourful over the coming months from the perspective of EU Member States.

A NEW INTERNATIONAL STANDARD?

At the international level, there have been some key developments within the International Labour Organization (ILO) as it seeks to adopt an international labour standard on digital platform work.

Following a 'normative gap analysis'[6] and a discussion in March 2023,[7] standard-setting on decent work in the platform economy was placed on the agenda of the ILO's June 2025 conference. At that 2025 session, the first of two standard-setting discussions took place.

> *The question for policy makers as they look ahead is how they can best strike a balance between promoting and supporting the entrepreneurial spirit that drives the creation of digital platform services offered (and therefore the subsequent work created for those engaged by platforms and new services for customers), while ensuring a standard of fairness is enjoyed by digital platform workers so that they are protected from discrimination and harm within the digital platform work environment. Finding that balance is of course going to be a challenge, and there remains a question mark over how much can be determined at an international level versus a national level. This a complex and nuanced area for policy makers, and it remains to be seen how far an international framework could take into account specific national circumstances, including differing levels of economic and social development and existing legislative frameworks on classification.*[10]

Sonia Regenbogen
PARTNER, IUS LABORIS CANADA
MEMBER OF THE IUS LABORIS INTERNATIONAL POLICY GROUP

During these discussions, constituents agreed the form the new standards will take, a Convention supported by a Recommendation, as well as the basic definitions and scope.[8]

Conventions and Protocols are legally binding international treaties that may be ratified by member States, while Recommendations serve as non-binding guidelines.

The proposed standards cover a wide range of issues, such as fundamental principles and rights at work, fair remuneration, social security, occupational safety and health, impact of automated systems on working conditions and access to work, protection of personal data and privacy, and effective access to dispute resolution.

It was also decided that an item entitled "Decent work in the platform economy" would be included on the agenda of the ILO's June 2026 conference. This will form the second standard-setting discussion with a view to adopting a Convention supplemented by a Recommendation.

This represents a significant step towards an international standard, but as Sonia Regenbogen pointed out in our 2025 report, "there remains a question mark over how much can be determined at an international level versus a national level".[9]

Platform regulation is often closely shaped by national circumstances, including domestic labour market structures, welfare systems, levels of informality, and the relative prominence of different types of platform work. These factors influence both the issues that governments prioritise and the regulatory approaches they adopt. In parallel, platform economies differ across countries in scale and business models, which can make it difficult to design international standards that apply uniformly across diverse settings. It will certainly be interesting to see how these dynamics and variations play out in the wider policy discussions.

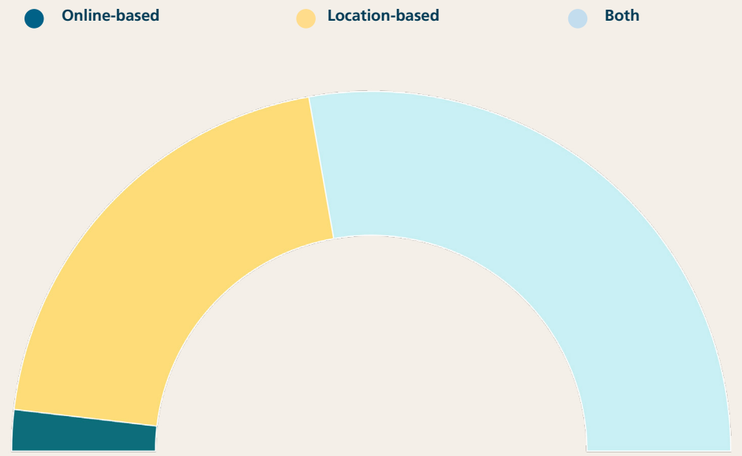
Interestingly, these differences are already reflected in national regulation, particularly in the types of platforms that countries choose to cover. This brings us to a key aspect of the regulatory landscape: which platforms fall, or are likely to fall, within the scope of the new frameworks?

Which platforms are covered?

Using the distinction adopted by the ILO, digital platforms can be divided into 'location-based' and 'online' platforms. For location-based platforms, the services are provided in a specific location by individuals (for example, deliveries, passenger transport or domestic work). With online platforms, workers provide their services remotely (for example, software programming, translation services or content moderation).

An interesting trend that emerged in our 2025 report was the difference in scope and application of the regulations (or proposed regulations) that specifically deal with digital platform work. Some only appear to cover location-based platforms,

FIGURE 2: SCOPE OF THE NEW REGULATIONS
What type of digital platforms do new (and proposed) regulations cover, or likely cover?



- **Online based:** Ukraine
- **Location based:** Argentina, Australia, Brazil (proposed), Chile, Greece, Malta (1), Mexico, Peru (proposed), Singapore, Spain and Uruguay
- **Both:** Belgium, Brazil (proposed), China, Croatia, Czech Republic (proposed), Estonia (proposed), India (state level), Italy, Israel (proposed), Kazakhstan, Lithuania (proposed), Luxembourg (proposed), Malaysia, Portugal and Sweden (proposed)

(1) The scope of the legislation only covers a specific form of location-based platforms, namely platforms enabling the delivery of a product.

while others are broad enough to feasibly cover online platforms as well.

In our 2025 report, most new or proposed regulations fell into the location-based only category (10 of 18), with seven appearing to apply to both types of platforms and one to online platforms. One year later, the distribution is far more balanced: 11 still relate to location-based platforms, one to online platforms, but 15 now cover or are likely to cover both.

WHAT'S CHANGED SINCE 2025?

We have not added any countries to the 'location-based' category, while Ukraine remains the only country with regulations in the 'online' category.

With respect to regulations covering both types of platform, we have added reference to eight new countries: Kazakhstan, which introduced changes to its Labour Code and Social Code back in 2023 to cover digital platform work; Malaysia, where the newly introduced Gig Workers Act 2025 was gazetted on 31 December 2025; Brazil, which introduced a bill towards the end of 2025 and is under discussion before the National Congress (Brazil now has two live proposals relevant to this area, hence the two entries in the graph); India, whereby several states including Telangana, Rajasthan, Karnataka, Bihar and Jharkhand have enacted state-level legislation in this area (note, there is no central legislation specific to platform work in India yet); and Estonia, the Czech Republic, Lithuania and Sweden, relating to the above proposals on implementation of the EU Platform Work Directive.

With respect to regulations covering only location-based platforms, we have added reference to one new country, Argentina, following the introduction of the Labour Modernisation Law.

A more discrete addition since the 2025 report is the introduction of the wording 'or likely to cover' in the graph. This refinement helps capture situations where legislation does not expressly distinguish between location-based and online platforms, but where the intended scope can still be reasonably inferred. Mexico is an example of this: its framework differentiates platform workers only by income level, not by whether services are performed on-site or remotely. While the regulation was designed with location-based services in mind, the law itself does not draw a formal distinction, so "likely to cover" captures this nuance without overstating legal certainty.

Elsewhere, Colombia's recent Law 2466 of 2025, the first to specifically regulate digital platform work in the country, offers too little information on the types of platforms or services covered. As a result, it is impossible to infer the scope at this stage, and it has not been included on the above graph.

HOW DO WE DEFINE 'DIGITAL PLATFORMS' IN REGULATIONS?

REGULATION	RELEVANT PROVISION	COMMENT
Chile's law No. 21.431	**Digital service platform company** "An organisation that, for a fee, administers or manages a computer or technology system executable in applications of mobile or fixed devices that allows a digital platform worker to perform services, for the users of said computer or technology system, in a specific geographic territory, such as the collection, distribution and/or delivery of goods or merchandise, minor passenger transport, or others." (author's translation)[11]	The explicit reference to services performed "in a specific geographic territory" and examples like delivery and passenger transport indicate that the law is primarily aimed at location-based platforms.
The EU's Platform Work Directive	**Digital labour platform** "[…] means a natural or legal person providing a service which meets all of the following requirements: • (i) it is provided, at least in part, at a distance by electronic means, such as by means of a website or a mobile application; • (ii) it is provided at the request of a recipient of the service; • (iii) it involves, as a necessary and essential component, the organisation of work performed by individuals in return for payment, irrespective of whether that work is performed online or in a certain location; • (iv) it involves the use of automated monitoring systems or automated decision-making systems;"[12]	The definition explicitly covers work organised through a digital interface, whether performed online or at a physical location. Given this dual reference, it can be argued that the Directive is intended to apply to both location based and online platforms, rather than drawing a distinction between the two.

REGULATION	RELEVANT PROVISION	COMMENT
Malaysia's Gig Workers Act 2025 (Act 872)	**Platform provider** "Any digital intermediary system provider who connects the service by a gig worker to a service user."[13]	The definition is broad and does not limit services to a physical territory or physical tasks, suggesting that the Act covers both location-based and online platforms. The focus is on digital intermediation itself rather than type of work.
Ukraine's Law No. 1667-IX	**Specialist** "An employee or gig specialist of a resident of Diia City or an individual (individual entrepreneur) engaged by a resident of Diia City on the basis of another civil law or commercial law agreement for the performance of work (provision of services) within the scope of the types of activities provided for in Part 4 of Article 5 of this Law." (author's translation)[14]	Because the companies engaging specialists must operate in IT-related business activities, such as software development, cybersecurity or virtual asset services (as per Part 4 of Article 5), the scope appears to be oriented toward online or digital platform work rather than location-based services.

Compared to our 2025 report, the picture appears slightly more balanced when looking at regulations that cover only location-based platforms and those that also cover online platforms.

Even so, it is telling that there is still some discrepancy in the different types of platforms that these regulations cover or are likely to cover. It appears to highlight how closely digital platform regulation is shaped by the local context. For example, many jurisdictions have focused their initial regulatory efforts on location-based platforms perhaps because these services are more visible, more integrated into local labour markets, and more likely to generate public pressure for clearer standards (particularly in transport and delivery services). By contrast, online platform work is often more diffuse, cross-border, and less tied to domestic policy concerns, which has perhaps led some governments to treat it as a lower priority.

On the other hand, the shift between the 2025 and 2026 reports suggests a gradual recognition

of the importance of regulating all types of digital platforms, not just those operating in physical locations. Location-based platforms have long been considered the cornerstone of digital platform work. However, we only have to look as far as the so-called 'Freelance Revolution'[15] to see that the picture is a changing one, with online gig work now estimated by some sources to account for up to 12.5% of the global labour force.[16]

It will be interesting to see how frameworks develop going forward and whether the above picture changes. Our Singapore firm, for example, notes that while "platform services" under its Platform Workers Act 2024 currently refer to delivery and ride-hail services (as set out in the First Schedule), it is possible that this definition may change in the future, so as to include other types of services. As well, and with the gradual implementation of the EU Platform Work Directive which is broad enough to cover both location-based and online digital platforms, we anticipate a further swing towards the 'both' category in the coming months.

New rules, but what about classification?

Overall, the emerging patchwork of specific frameworks, draft proposals and indirect measures illustrates how countries are beginning to crystallise rules around platform work. As these frameworks continue to develop, a central question emerges: how do these measures address the issue of employment classification?

Having detoured slightly, we now return to the main theme of our report. Our survey reveals three distinct trends in how countries are addressing this challenge of classification. We explore each trend in turn.

Trend one: New definitions and a ‘floor’ of rights

While there is plenty of variety, three broad trends emerge when it comes to how countries tackle issues of classification in the digital platform economy through regulation: (1) introducing, for the first time, specific legal definitions of digital platform work and workers, and extending a ‘floor’ of rights and protections to those that do not meet ‘employee status’; (2) creating new mechanisms for determining employment status, including presumptions of employment; and (3) strengthening enforcement measures in relation to misclassification.

In the next three sections of this report, we look at each trend in turn, dealing first with new definitions of platform worker and the creation of a ‘floor’ of rights and protections for those who are not ‘employees’. We also explore indirect proposals that extend protections more broadly, plus countries that rely on ‘self-regulation’.

A shift away from the conventional dichotomy?

Countries typically classify digital platform workers either as employees of the platform or as self-employed independent contractors. This employee/contractor model remains the predominant approach across the jurisdictions we surveyed.

However, in some countries that have adopted dedicated digital platform frameworks, lawmakers are introducing platform-specific legal definitions. In some cases, these arguably go as far as to create new classifications of workers, in others they do not. Regardless, the development signals a shift to a more nuanced approach towards the specific treatment of platform workers.

Importantly, these new definitions often provide platform workers with rights that go beyond those available to standard independent contractors. In effect, they establish a tailored 'floor' of rights, less extensive than full employee entitlements, but more protective than conventional self-employment. This suggests an emerging regulatory trend that does not rely solely on employment classification as the gateway to rights. Instead, certain core labour and social security protections are being extended directly to all digital platform workers, regardless of their classification status.

First, we explore some of the definitions and classifications introduced by dedicated platform regulations, including interesting regional variations.

APPROACHES IN THE AMERICAS

A notable regional trend in the Americas is the dual approach adopted first in Chile and now appearing elsewhere in the Americas region, namely Latin America. Chile's framework distinguishes between:

- dependent platform workers, who are classified as employees; and
- independent platform workers (where they do not work under subordination and dependence on the digital service platform company), who remain classified as independent contractors but are granted specific protections related to working time, remuneration and discrimination.

This approach is now influencing neighbouring jurisdictions. Colombia for example, with the entry into force of Law 2466 of 2025, now expressly recognises two possible classifications for digital employees in delivery services, understood as individuals who, through the use of digital delivery platforms, provide services requested by a user. Under this regulation, such employees may fall into one of the following two categories: (1) dependent and subordinated employees; or (2) independent and autonomous employees.

Uruguay has also recently introduced new legislation that regulates digital platform work and follows a similar approach to the Chilean framework.

Even so, the dual-classification approach is not the only model found in the region. Peru, for example, has taken a different approach. The latest legislative proposal does not introduce labour classifications for digital platform workers. Instead, it establishes a legal framework limited to passenger transportation services provided through digital platforms and treats drivers as service providers operating through a digital intermediation mechanism. Under this approach, drivers are classified merely as service providers, and no specific labour protections are established for them.

Elsewhere, Argentina has opted for yet another distinct regulatory model for digital platform work in the region. Following the introduction of the Labour Modernisation Law that took effect on 6 March 2026, platform workers are now regulated under a specific regulatory framework and expressly recognised as being 'independent' rather than employees.

INTRODUCING 'THIRD' CATEGORIES

Turning to the Asia-Pacific region, we see slightly different approaches adopted in Australia and Singapore. In both, a multifactorial test is applied to determine whether the platform worker is an employee, independent contractor, or a third status that applies specifically for platform workers.

In Australia, the application of a multifactorial test is applied first to determine whether the worker is an independent contractor or an employee. This test has regard to the terms of the contract governing the relationship, and also to other factors relating to the totality of the relationship. If a digital platform worker is engaged as an independent contractor, a secondary test applies to determine whether they are an 'employee-like' worker. This is a new concept: an independent contractor whose working arrangements meet prescribed criteria which tend to point to the digital platform worker providing their services in a manner which is employee-like.

An independent contractor undertaking digital-platform work will be an employee-like worker where they satisfy two or more of the following criteria:

- the person has low bargaining power in negotiations in relation to the services contract under which the work is performed;
- the person receives remuneration at or below the rate of an employee performing comparable work;
- the person has a low degree of authority over the performance of the work.

These are interesting criteria, and not common elsewhere. Sweden, for example, is the only other country in our survey that expressly considers

bargaining power as part of their status criteria in the overall assessment (although other jurisdictions may consider it as part of a non-exhaustive list of criteria).

Similarly in Singapore, a multifactorial test is applied to determine whether a digital platform worker is an employee or independent contractor. All relevant factors are considered, and the list of factors is non-exhaustive. The same factors can also carry different weight in different circumstances and much depends on the facts of the situation in question. Whether a digital platform worker is a 'platform worker' (the specific classification for digital platform workers in Singapore) depends on whether they meet the statutory definition under the relevant legislation. They must:

- have an agreement (whether written or oral and whether express or implied) with a platform operator to provide a platform service in Singapore to service users for the platform operator;
- be subject to the management control of the platform operator in respect of the individual's provision of the platform service;
- derive (or will derive), under the agreement mentioned above, any payment or benefit in kind from the individual's provision of the platform service for the platform operator; and
- be in Singapore when providing the platform service.

If the worker is deemed as not being under management control, they are not a platform worker, but a self-employed person under a contract for service.

Elsewhere in Europe, Italy takes a similar approach to the above, applying various criteria to establish whether the digital platform worker is an employee, independent contractor or a qualified contractor (known as 'etero-organizzati' or 'collaborations organised by the 'Principal'). These tests are applied by the courts, and the current trend in Italy is a finding of 'qualified contractor' to be made when it comes to digital platform workers. Recent amendments to legislation in Italy have also expressly included services 'organised through digital platforms' as a hallmark for the existing third classification of qualified contractors.

MALAYSIA'S NEW "GIG WORKERS"

Malaysia adopts a different approach still, compared to the models seen in the Americas, Australia, Singapore or Italy. Rather than distinguishing between dependent and independent platform workers or creating a platform-specific hybrid status, Malaysia has introduced a single statutory definition of "gig worker" through the Gig Workers Act 2025 (Act 872).

The Act applies not only to gig platform companies but any entity that engages individuals to perform certain identified services. The identified services mainly cover activities in the performing arts space, but also include translation, journalism, photography, videography and caregiving services.

Contracting entities that engage such workers on a freelance or one-off basis will be required to enter into a service agreement with the worker that fulfils the minimum requirements of the legislation. Gig workers will also receive protection against termination without just cause or excuse, together with other protections akin to those afforded to employees.

OTHER EXAMPLES IN EUROPE

Alongside these developments, several European jurisdictions have also begun shaping platform-specific definitions within their labour frameworks.

Legislation introducing digital platform work was implemented in Croatia through changes and amendments to the Croatian Labour Act, that came into force on 1 January 2024. Digital platform workers are classified as either employees (if they enter into an employment agreement with a digital work platform or an aggregator, as their employer), or as so-called "other persons performing work by way of using a digital work platform". The latter refers to a natural person/individual who personally performs certain work for a digital work platform or an aggregator, based on a contractual relationship that was not created by way of conclusion of an employment agreement (i.e. based on a service agreement or similar).

In Greece, which specifically regulates digital platform work under Law 4808/2021, digital platforms are said to be connected to "service providers" with dependent employment contracts or independent service or project contracts. In this sense, the legislation recognises two forms

of employment for digital platforms: a contract of dependent services or a 'project contract or a contract of independent employment'.

UNIQUE APPROACH IN UKRAINE

Finally, in Ukraine, there are three potential classifications for digital platform workers which are determined primarily by the designation under the relevant agreement. A platform worker can either work via an employment agreement (i.e. employee status); a civil law contract (i.e. 'private entrepreneur' status, akin to independent contractor status); or a gig-contract (i.e. a hybrid, 'gig specialist' status). Gig specialists represent a new classification for residents of Diia.City, a virtual free-economic zone for tech companies engaged in IT-related activities like cybersecurity, software development, and robotics.

Of course, defining platform workers is only the first step. The logical next question is what happens once a worker falls into one of these platform-specific categories, especially where they are not considered employees. We explore this next.

Regulating by means of rights and protections

Having examined how dedicated platform-work frameworks define platform workers, and in some cases introduce new platform-specific categories, the next question is what consequences flow from those definitions. What rights apply when digital platform workers do not meet the threshold for employee status?

One trend that emerges is that the countries with specific regulations on digital platform work have introduced a 'floor' of rights and protections specifically for non-employee digital platform workers. These protections do not amount to full employee entitlements, but they typically go further than the rights normally available to standard independent contractors. This reflects a shift away from relying exclusively on employment classification as the gateway to labour protections. Instead, certain core labour and social security rights are being directly attached to the status of being a platform worker, regardless of whether the individual is classified as an employee. These platform-specific non-employee categories include:

- 'Employee-like workers' in Australia;
- 'Other persons performing work by way of using digital work platforms' in Croatia;
- 'Independent platform workers' in Chile, Colombia, Mexico and Uruguay;
- 'Independent service providers' in Greece;
- 'Gig workers' in Malaysia;
- 'Platform workers' in Singapore;
- 'Gig specialists' in Ukraine.

In Australia, for example, the Fair Work Commission can set standards for 'employee-like workers' (which expressly includes digital platform workers) through minimum standards orders and guidelines, covering pay, conditions, and workplace health and safety. As noted above, an 'employee-like worker', introduced in 2024, is an independent contractor whose working arrangements meet prescribed criteria which tend to point to the digital platform worker providing their services in a manner which is employee-like. These workers also have collective rights, protection against unfair contractual terms, and safeguards against unfair deactivation from platforms. Safeguards against 'unfair deactivation' is a particularly interesting development that crops up in several new legislative frameworks. We explore this in further detail below at pages 39-42.

Interestingly, in enacting the new reforms, the Australian Government intends to avoid disrupting current modes of classification and the tests that sit behind them. Instead, they hope to regulate these modes of engagement through the 'employee-like' protections. The protections are therefore designed to ensure that digital platform workers receive certain benefits and protections.

Similarly, in Singapore, platform workers receive enhanced protections compared to standard independent contractors. These include occupational health and safety coverage, work injury compensation, and Central Provident Fund contributions. Platform worker associations can also negotiate collective agreements and handle grievances.

In Croatia, digital platform workers that do not meet the employment criteria have rights to communication, transparency, personal data protection and protection against a level of work intensity that jeopardises their health, while Greece provides enhanced rights and protections to independent service providers including trade union rights, health and safety protections, and contract requirements.

DEVELOPMENTS ON AUSTRALIA'S MINIMUM STANDARDS ORDERS

The Fair Work Commission (FWC) has the power to make minimum standards orders (MSOs) and minimum standards guidelines (MSGs) for regulated workers, including 'employee-like workers'. It can do so on its own initiative or by application. MSOs are legally binding. If they are not followed, an individual or business can face penalties. MSGs are not legally binding.

It is possible that, by the end of this calendar year, the first MSOs will have been made by the FWC which will mean for gig workers in the 'on demand' delivery industry there will be some additional rights afforded in respect of minimum wage (referred to as a 'minimum safety net' in the proposed MSO), among other things. The application was made by the Transport Workers' Union of Australia in conjunction with two well-known platforms.[17]

Chile offers unique protections to independent platform workers such as a maximum connection time and the right to disconnect, a minimum wage, occupational health and safety protections, social security coverage, and personal data protection. Meanwhile, in Mexico, workers earning above a salary threshold are classified as employees and are entitled to all mandatory employment benefits, including regulated working hours, proportional paid leave, severance pay, and social security coverage. Those earning below the threshold are not considered employees but must still be registered with the Mexican Social Security Institute (IMSS) for coverage against occupational risks during their actual working time. The new provisions ensure that those earning below the wage threshold must still be registered with the IMSS for occupational risk coverage, thereby establishing a baseline protection that did not exist before.

In Malaysia, this new 'floor' of rights is also evident when you compare the position before and after the introduction of their new Gig Workers Act 2025. Before, digital platform workers who were typically deemed to be independent contractors enjoyed only a very limited range of employment rights and protections. In the below graph, only social security coverage would be ticked. Now, as we can see from figure 3 below, such workers will enjoy significantly more rights and protections.

In other countries, this 'floor' of rights is more discrete, yet still noteworthy. A good example is Colombia, where Law 2466 of 2025 introduced a tailored framework for individuals providing delivery services through digital platforms. The law recognises two possible classifications: (1) dependent and subordinated employees; and (2) independent and autonomous employees, reflecting a structure similar to that found in Chile and Uruguay. Workers in category (1) are entitled to the full range of statutory employment rights. Category (2) workers, while not treated as employees, nevertheless benefit from some limited protections that go beyond those available to conventional independent contractors. Notably, independent platform workers benefit from a shared social security contribution model: digital platforms must cover 60% of mandatory health and pension contributions, with the remaining 40% paid by the worker, and the platform also assumes full responsibility for occupational risk insurance. Independent contractors outside this regime must ordinarily fund this entirely themselves.

Finally, it is also of note that jurisdictions with proposals for specific regulation in this area are also exploring this approach. In Brazil, for example, the relevant Bill proposes to clarify that while digital platform workers will not be treated as employees, they will be entitled to certain social rights, including the right to unionisation.

Taken together, where countries have introduced platform-specific frameworks, non-employee platform workers typically benefit from a higher baseline of rights and protections than conventional self-employed workers. This creates a 'floor' of rights.

To further understand the significance of this shift, it is also useful to contrast it with the position in countries that have not regulated platform work directly.

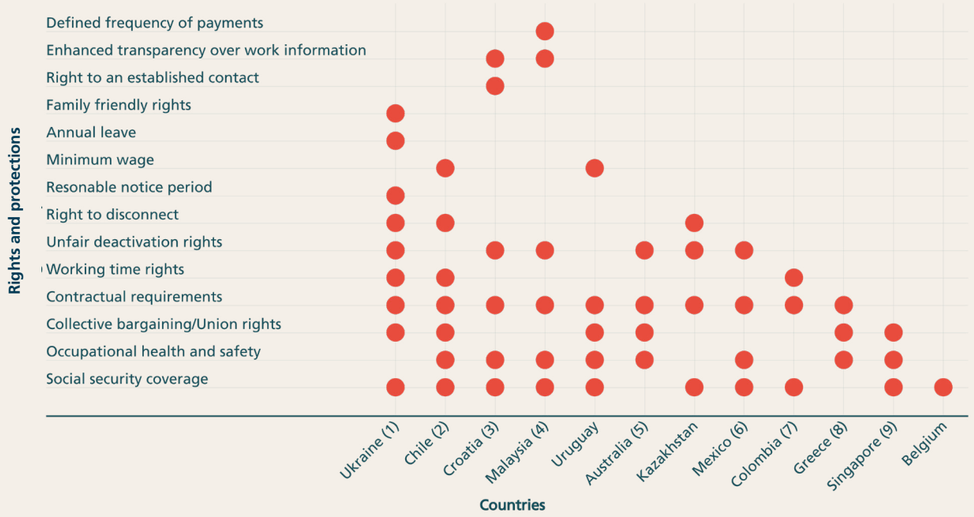
COMPARING COUNTRIES WITH AND WITHOUT PLATFORM-SPECIFIC FRAMEWORKS

To understand the picture here, we have set out the rights and protections enjoyed by non-employees in various jurisdictions, focusing first on countries with specific platform work legislation (see figure 3), then those without (see figure 4), and then a combination of the two (see figure 5).

From the 'combination' graph, we see that by and large, countries that have introduced specific classifications for platform workers that are not deemed to be employees enjoy greater rights and protections than standard independent contractors in countries that have not introduced specific platform regulations (or the tailored definitions that flow from these). In fact, the only 'yellow' country that makes it to the upper part of figure 5 is the UK's intermediate 'worker' status. That underscores the significance and extent of this 'floor' of rights for platform workers in the 'red' countries.

FIGURE 3: COUNTRIES WITH SPECIFIC PLATFORM LEGISLATION

The employment rights and protections afforded to digital platform workers that do not meet the criteria for employee status, in countries that have introduced legislation on digital platform work.



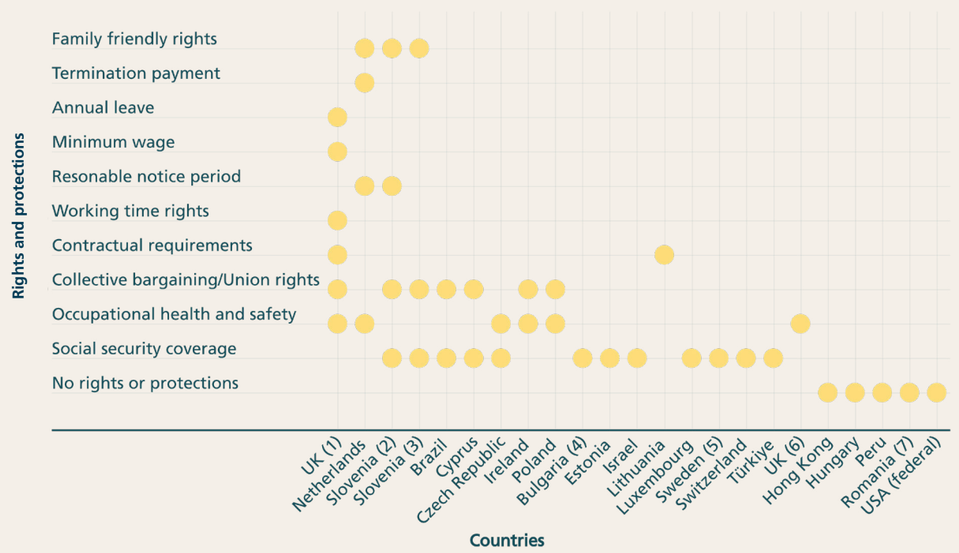
Note, the above graph is intended to be impressionistic and may not capture all rights/protections, nor specific, local requirements that relate to the rights and protections listed. These have been categorised and grouped at a high level. For further information, please see the contact information of our alliance experts at the end of this report.

(1) Gig-specialists; (2) independent platform workers; (3) other persons performing work by way of using a digital work platform; (4) gig workers (i.e. under the Gig Workers Act 2025); (5) employee-like workers;; (6 & 7) independent platform workers; (8) independent platform service providers; (9) platform workers.

**The position in Italy is difficult to reflect on this graph, with the rights tied to those who enjoy 'qualified contractor' status not clearly defined in law.*

FIGURE 4: COUNTRIES WITHOUT SPECIFIC PLATFORM LEGISLATION

The employment rights and protections afforded to digital platform workers that do not meet the criteria for employee status, in countries that have not introduced specific legislation on digital platform work.



Note, the above graph is intended to be impressionistic and may not capture all rights/protections, nor specific, local requirements that relate to the rights and protections listed. These have been categorised and grouped at a high level. For further information, please see the contact information of our alliance experts at the end of this report.

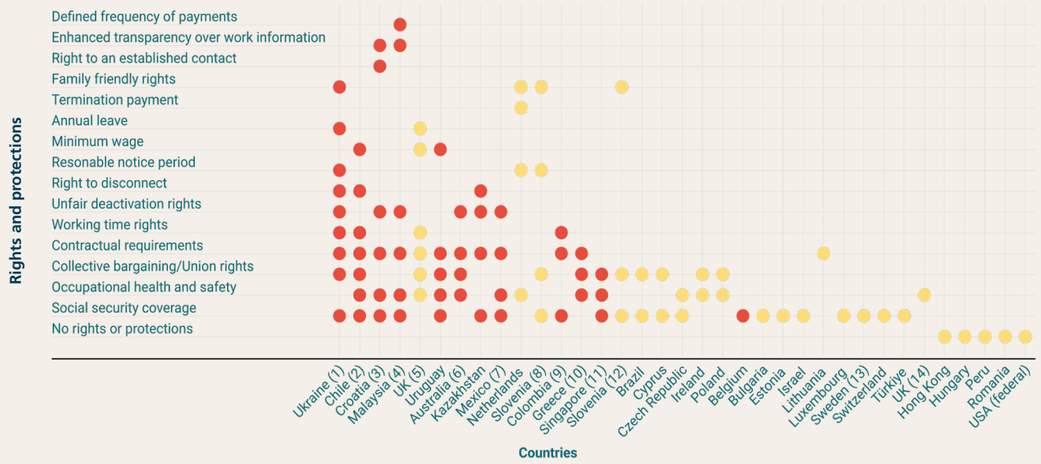
(1) 'Limb-b' workers; (2) economically dependent persons (self-employed individuals qualify as economically dependent persons if they perform work personally, independently, and on a long-term basis under a civil contract, derive at least 80% of their income from a single client, and do not employ any workers); (3) self-employed; (4) Digital platform workers could be classified as self-employed independent contractors (known as 'freelancers') and entitled to social security coverage at their own expense, or independent contractors working under civil contracts and entitled to social security coverage partly at the expense of the assignor (this differs from the social security coverage enjoyed by employees); (5) Independent contractors (if classified as agency workers, platform workers would enjoy all of the same type of rights as regular employees); (6) Self-employed independent contractors; and (7) independent contractors are not granted rights or protections under labour law, however certain protections may arise from the applicable civil, contractual and tax frameworks depending on the legal form of the activity.

**Non-employee platform workers in some countries (such as New Zealand) do not automatically enjoy the above rights, but please see the section below entitled 'self-regulation'.*

***Family friendly rights in the Netherlands: This includes a state benefit for independent contractors who are pregnant. Such rights are otherwise very limited in the Netherlands when it comes to independent contractors.*

FIGURE 5: A COMBINATION

A combination of the above graphs, with the countries ordered by the number of rights and protections that such workers enjoy.



Note, the above graph is intended to be impressionistic and may not capture all rights/protections, nor specific, local requirements that relate to the rights and protections listed. These have been categorised and grouped at a high level. For further information, please see the contact information of our alliance experts at the end of this report.

(1) Gig-specialists; (2) independent platform workers; (3) other persons performing work by way of using a digital work platform; (4) gig workers (i.e. under the Gig Workers Act 2025); (5) 'Limb-b' workers; (6) employee-like workers; (7) independent platform workers; (8) economically dependent persons; (9) independent platform workers; (10) independent platform service providers; (11) platform workers; (12) self-employed; (13) Independent contractors; (14) Self-employed independent contractors.

New working models, new rights: unfair deactivation

Across several jurisdictions, dedicated legislation for digital platform work introduces new protections regarding 'unfair deactivation' (or similar issues). While the scope and detail of these provisions vary, the frameworks set out how platform access can be modified, suspended or removed, and what rights workers have to challenge or review these decisions. The table below summarises at a high level how three countries, Australia, Croatia and Malaysia, approach the key elements of deactivation, including who is protected, how deactivation is defined, what constitutes unfairness, and what remedies or processes are available.

Although the regulatory models differ in structure and terminology, there appear to be a number of consistent themes from the below:

- Growing recognition that deactivation functions as a form of work termination - Australia and Malaysia define deactivation explicitly, while Croatia does so indirectly through the regulation of automated management decisions. All three frameworks appear to accept that losing access to a platform can materially prevent a worker from performing their role.
- Procedural fairness is becoming central - Australia provides for a formal avenue to contest deactivation before the Fair Work Commission, while Malaysia requires written notice, an inquiry period and a right to be heard. Croatia embeds the right to request an explanation and a review of automated decisions affecting platform access via the authorised person appointed to oversee these sorts of automated decisions.
- Platforms' use of automated decision-making is increasingly regulated - Croatia's legislation focuses heavily on transparency and human review of algorithmic management, signalling a trend towards oversight of automated decision-making. In fact, as we explored in our 2025 report, this is a significant feature of the Croatian framework.[18]

AUSTRALIA

Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 amending the Fair Work Act 2009[19]

WHO IS PROTECTED?	DEFINING DEACTIVATION	DEFINING UNFAIRNESS	SCOPE OF THE PROTECTION
Employee-like workers who perform work through or by means of a digital labour platform operated by a digital labour platform operator or perform work under a services contract arranged or facilitated through or by means of a digital labour platform operated by a digital labour platform operator. The person must have been performing work in this regard on a regular basis for a period of at least six months.	• the person performed digital platform work through or by means of the digital labour platform; and • the digital labour platform operator modified, suspended, or terminated the person's access to the digital labour platform; and • the person is no longer able to perform work under an existing or prospective services contract, or the ability of the person to do so is so significantly altered that in effect the person is no longer able to perform such work.	The FWC must take into account: • whether there was a valid reason for the deactivation related to the person's capacity or conduct; and • whether any relevant processes specified in the Digital Labour Platform Deactivation Code were followed; and • any other matters that the FWC considers relevant. There are several specific circumstances listed in the legislation where deactivation will not be considered unfair.[20]	The ability by the platform worker to contest their deactivation by applying for a remedy order from the FWC. Potential remedies include reactivation and an order to restore lost pay. The FWC decision can only be appealed if it is considered to be in the public interest to do so. We explore a recent case in Australia on deactivation in the 'Case Law Trends' section below.

CROATIA

Act on Amendments to the Labour Act 2022 amending the Labour Act 2014

WHO IS PROTECTED?	DEFINING DEACTIVATION	DEFINING UNFAIRNESS	SCOPE OF THE PROTECTION
Both potential categories of digital platform worker are covered. This includes: • A worker who performs work using a digital work platform and who has entered into an employment agreement with a digital work platform or an aggregator, as their employer. • Other persons who perform work using a digital work platform. This is a natural person that personally performs certain work for a digital work platform or an aggregator, based on a contractual relationship that was not created by way of conclusion of an employment agreement (i.e. based on a service agreement or similar).	The concept of 'deactivation' is not specifically referenced. However, the legislation does reference "a decision made in an automated management system, and in particular a decision related to access to work tasks, working hours, opportunities for promotion and training, and a decision related to the calculation and payment of wages and benefits […]"[21] (author translation). This could be interpreted to cover some form of deactivation on the platform.	A specific definition of 'unfairness' is not mentioned in the legislation. Instead, it refers to circumstances whereby the platform worker believes the automated management decision "has violated his or her employment rights" (author translation).	The right, within specified time limits, to request protection of their rights from the employer and to request a written explanation, as well as a review of the individual decision. An authorised person who, upon employee request, conducts the procedure for reviewing decisions made in the automated management system and who decides on them, can provide an expert explanation of the decision and decide after review.

MALAYSIA
Gig Workers Act 2025 [22]

WHO IS PROTECTED?	DEFINING DEACTIVATION	DEFINING UNFAIRNESS	SCOPE OF THE PROTECTION
Gig workers (as defined above on page 24)	Deactivation occurs where the platform provider modifies, suspends or terminates the gig worker's access to their digital intermediary system in a way that prevents the gig worker from performing their service under the service agreement. The gig worker must be notified in writing of the deactivation. It is permitted for a period not exceeding 14 days to enable the platform provider to hold an inquiry.	A specific definition of 'unfairness' is not mentioned in the legislation. Instead, it refers to whether there is a "reason" for the deactivation or whether it has been done in accordance with the terms and conditions under the service agreement or any misconduct has been committed by the gig worker.	Where the platform provider finds that there is no reason to deactivate the access of the gig worker following the initial enquiry, the platform provider must reactivate the gig worker's access or pay to the gig worker half of the amount of the average daily earnings for such modification or suspension periods (based on a specific calculation set out in the legislation). Where the platform provider finds the deactivation has been done in accordance with the terms and conditions under the service agreement or any misconduct has been committed by the gig worker, the platform provider may terminate access or continue with the modification or suspension of access for a further period not exceeding seven days (following which access must be reactivated). The gig worker must: • have a right 'to be heard' before either action is taken; • be given a written explanation for any such decision.

THE PRACTICAL IMPACT OF NEW RIGHTS AND PROTECTIONS

For this report, and now that some time has passed in jurisdictions that have introduced dedicated regulation on digital platform work, we asked our respondents to share their initial reflections on how employers are managing these new rules in practice. When it comes to the new rights and protections explored above, some countries have seen increased employer costs, while others suggest a more muted picture.

In Chile, and despite the higher costs associated with hiring platform workers as employees, our firm reports how some employers appear to be favouring this classification primarily to avoid litigation risk and the financial consequences that can arise from misclassification disputes.

Their key concern is Chile's "nullity of dismissal" sanction (nulidad del despido). Under this rule, if social security contributions have not been fully paid and a Labour Court later determines that an employment relationship existed, the dismissal is considered invalid. The consequences are significant: the company must continue paying wages and social security contributions month after month until all owed social contributions are fully paid and the employee is properly notified. Therefore, by hiring people as employees, employers gain legal certainty and eliminate exposure to these liabilities.

This choice carries a clear cost implication. As set out below, social-security financing obligations differ markedly between dependent (employee) and independent platform workers:

	DEPENDENT PLATFORM WORKERS	INDEPENDENT PLATFORM WORKERS
Social Security financing	On a monthly basis, the employer must withhold and pay social security contributions from their employees' salary social security contributions, which include the following: • Contributions to the financing of the pensions system - approx. 13% with a cap. • Health quotations - approx. 7% with a cap. • Unemployment Insurance - 0.6% with a cap.	The independent contractor pays through their own annual income tax return.
Employer contributions	Employers contribute 2.4% (unemployment insurance), 1.85% (disability/survivor), 0.9% (occupational accidents) and between 1-7% (pensions).	Independent contractors self-finance these contributions.

> *The application of the regulations has resulted in more workers being hired as workers dependent on digital service platforms. This has reduced informal employment for this type of workers, mainly by allowing them access to greater social security coverage. For employers, this has meant increased costs in terms of social security contributions payable by the company, such as contributions for occupational accident insurance and unemployment insurance.*

Marcela Salazar
PARTNER
IUS LABORIS CHILE

Some employers in Singapore have also reported experiencing higher costs as a result of the new platform-work reforms.

The key contributors are:

- **The requirement to pay Central Provident Fund (CPF) contributions on behalf of platform workers** – platform operators are now required to deduct CPF contributions directly from each ride or delivery and are also responsible for making such contributions to the CPF.
- **The requirement to purchase mandatory work injury compensation insurance for platform workers** – platform operators are now required to pay for the medical expenses of platform workers related to a work accident up to SGD 53,000, or one year from the date of the accident, whichever comes first. Platform operators are also required to provide platform workers lump sum compensation for permanent incapacity or death.
- **The requirement to recognise and engage with platform work associations** – platform operators are now required to legally recognise these associations as official representatives of platform workers and engage directly with them.

> *"Based on our interactions with our clients who are platform operators, we have observed that a key concern is cost".*

Desmond Wee
HEAD OF EMPLOYMENT AND PARTNER
IUS LABORIS SINGAPORE

This represents a meaningful shift in cost distribution and regulatory responsibility compared with traditional independent contractor models.

However, not all jurisdictions are seeing significant changes. In Croatia, and according to the 2024 Ministry of Labour report, most platform work is performed under standard employment agreements rather than the new status of 'other persons performing work by way of using digital work platforms'. We await the 2025 Ministry of Labour report to see if the situation has developed.

> *"For the moment, to the best of our knowledge, there are no significant practical insights regarding 'other persons performing work by way of using digital work platforms', from the employer's perspective".*

Andrej Žmikic
HEAD OF EMPLOYMENT AND PARTNER
IUS LABORIS CROATIA

Indirect measures

Alongside these targeted digital platform frameworks, several countries have taken a more indirect approach, extending rights or improving protections for broader categories of independent workers. Although not designed exclusively for platform work, these measures can nonetheless have a material impact on digital platform workers and shape the conditions under which they operate. Others rely on mechanisms of self-regulation within the platform economy itself.

LESSONS FROM JAPAN

Japan, for example, has recently introduced a law that creates additional protections for 'freelancers'. The law requires businesses that retain freelancers to take measures to ensure fair transactions and improve their working conditions. While this is not specific to digital platform work, it will likely encompass individual digital platform workers who do not otherwise enjoy employment status. Key provisions under the new law can be summarised as follows:

- 'Outsourcers' are required to provide specified 'freelancers' with terms of engagement in writing;
- Payments to the freelancers must be made in a timely manner, and no later than 60 days after receipt of the deliverable;
- Outsourcers are prohibited from engaging in certain unfair practices;
- Outsourcers must now provide 30 days' notice before terminating a continuous contract;
- Outsourcers must take proactive measures to prevent harassment against freelancers; and
- Outsourcers must consider requests to accommodate caregiving or parental responsibilities from freelancers who are engaged in continuous contracts.

This approach (i.e. extending protections to independent contractors more broadly) could be an effective way of ensuring the protection of workers whilst retaining the benefits, such as

flexibility, inherent in this type of work.

SELF-REGULATION

Another theme that emerges in this area is that in some countries, platforms and their workforce will agree rights and protections as part of the work arrangement, resulting perhaps in a form of self-regulation. In the Netherlands and New Zealand, for example, parties can in principle agree the rights and protections that apply to digital platform workers who are engaged as independent contractors.

This is something that we also see in Brazil. While there is currently no specific regulation limiting the working hours of such workers, some ride-hailing platforms implement internal mechanisms to promote safety, such as mandatory breaks after a certain amount of driving time. Similarly, platform workers are not entitled to health insurance provided by the platforms, however some Brazilian ride-hailing platforms offer personal accident insurance free of charge, covering specific work-related situations, such as accidents during rides.

Reflections on trend one

Overall, the emergence of platform-specific definitions and the associated 'floor' of rights appears to signal a shift in how some jurisdictions are approaching protections for platform workers. By attaching certain rights directly to the status of being a platform worker, these frameworks may reduce the extent to which access to basic protections depends entirely on employee status. As we mention above, this reflects a shift away from relying exclusively on employment classification as the gateway to labour protections. In doing so, they may offer a more predictable and accessible route to protection for all digital platform workers.

At the same time, the picture is not straightforward. There is some evidence of increased employer costs and, in the case of Chile, suggestions that enhanced protections could influence the preferences of some workers who value remaining self-employed. These developments therefore appear to address some aspects of the classification challenge, while also raising new questions about how best to balance protection, flexibility and autonomy.

It is against this backdrop that we now turn to the second major regulatory trend: the different mechanisms countries are introducing to determine employment status, from presumptions of employment to salary-based tests.

Trend two: New ways of determining classification

A second way that countries are dealing with issues of classification is by reshaping how they determine the employment status of platform workers. Below we explore:

- **rebuttable presumptions of employment status, likely to ease the way for platform workers to be reclassified as employees.**
- **a presumption against employment status, perhaps prioritising the flexibility and autonomy inherent in digital platform work.**
- **The interesting case of Mexico, which adopts a single-criterion, salary-based model.**

As in previous sections of this report, we also explore some indirect examples, with general legislative reforms, such as New Zealand's recent "gateway" approach, altering the landscape in ways that may still affect platform work classification.

A presumption of employment status

One approach that has emerged in Europe is the introduction of a 'presumption of employment'. While there are some individual nuances, countries that have adopted this model typically list several criteria in the relevant legislation. Where these criteria are met, it is presumed that the platform worker is an employee of the platform company and so is eligible for employment rights. It is often for the platform, if they wish, to seek to rebut the presumed classification. This approach makes it more straightforward for platform workers to be recognised as employees, thereby enhancing access to labour rights and protections.

These are currently the approaches in Croatia, Belgium, Portugal, Spain and Malta, although as noted there are some subtle differences, the most obvious being the number of criteria that need to be met before the presumption bites. In Belgium, for example, at least three of the eight listed criteria must be met, or two of the last five.[23] In Spain, there are three criteria that must be met. In Portugal, 'some' of the six listed characteristics need to be met.[24] In Croatia, there is no specific number of criteria that need to be met, the situation is assessed more generally against the six that are listed.[25] In Malta, the situation is different still. The legislation introduces a presumption of employment for digital platform workers regardless of whether any of the listed criteria are met.[26] The burden of proof is then on the platform company to rebut that presumption if they disagree with the classification. This involves proving that the platform company does not control directly or indirectly the performance of the digital platform work by showing that it does not fulfil 'at least four' of the five criteria listed in the legislation.

Elsewhere, some jurisdictions are considering the introduction of a legal presumption. In Luxembourg, for example, a new Bill proposal, superseding a Bill that had been under review since 2022, would introduce the legal presumption of employment and a list of 13 criteria. If one or more of these criteria are met, then the person is presumed to be bound to the platform by an employment contract. The presumption can be rebutted by the platform by providing evidence that no employment contract exists between the parties. However, when at least three of the criteria are met, the existence of an employment contract is established, without any evidence to the contrary being admissible.[27]

How does a presumption of employment work in practice? Lessons from Belgium

The starting point in Belgium is that the parties are free to determine the nature of their employment relationship, provided that the actual performance of the contract is not inconsistent with the agreed classification. The Belgian Labour Relations Act provides for four general criteria to assess the existence, or absence, of an employment relationship. These are:

- The will of the parties, as expressed in their agreement (provided that the agreement is performed in accordance with its terms);
- The freedom to organise working time;
- The freedom to organise the work itself;
- The possibility of exercising hierarchical control.

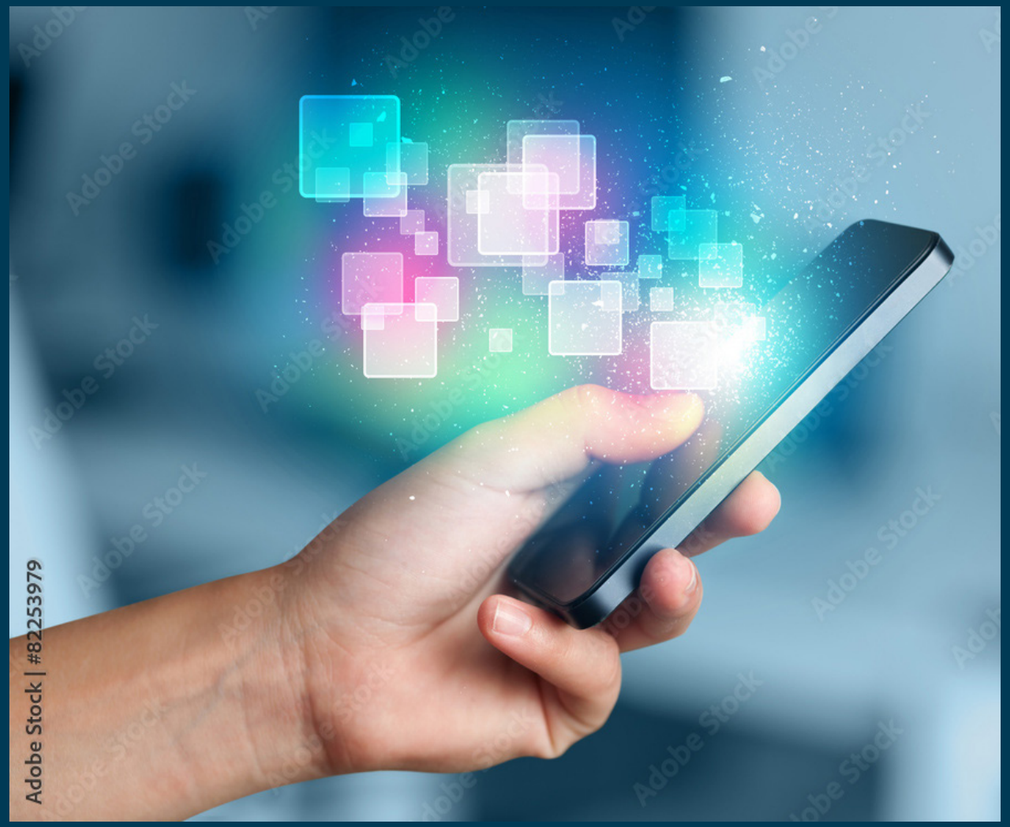
Belgian law also provides for a dedicated set of specific platform-economy criteria. Effective since 1 January 2023, Belgium's so-called "Labour Deal" introduced a rebuttable presumption of the existence of an employment relationship for the platform economy. This presumption depends on whether at least three of the eight legal criteria set out under the legislation, or two of the last five criteria, are fulfilled. If they are, the relationship is presumed to be one of employment. If not, it is presumed to be self-employment. The criteria can be summarised as follows:

1. possibility of exclusivity;
2. possibility of using geolocation for other purposes than the proper functioning of its basic services;
3. possibility of restricting the free choice of ways of working;
4. possibility to limit the income level of a platform worker;
5. possibility to enforce rules of appearance, behaviour and performance of work;
6. possibility to have the prioritisation of future work offers, the amount bid for a job and/or determination of ranking determined by evaluating the past work performance of the platform worker;
7. possibility of restriction of the freedom of the work organisation;
8. possibility of restricting building up a customer base or to work for third parties.

This presumption can be rebutted by all means of law, including on the basis of the four general criteria of the Labour Relations Act.

Separate to the platform economy-specific framework under Belgium's "Labour Deal", the Labour Relations Act also provides a number of legal presumptions for certain sectors (e.g. freight transport), where the employment relationship should be examined according to socio-economic criteria. If more than half of the specific criteria are fulfilled, then there is a presumption of the existence of an employment relationship. However, this presumption can be rebutted by assessing the four general criteria listed above. This separate framework may still cover platform work arrangements and may be applied when determining the classification of platform workers if the dispute pre-dates the relevant provisions in the "Labour Deal".

If a platform and a worker disagree on the classification that applies under the relevant framework, such decisions are sometimes issued by the Administrative Commission for the Regulation of the Employment Relationship (CRT), a body that a party (usually the worker/self-employed person) can refer to in order to determine whether the contractual classification with the platform is correct. An appeal may be lodged against a decision of the CRT with the labour tribunal. Other decisions are directly handed down by the labour tribunals and courts, which intervene at the litigation stage. In Belgium, the CRT has already been called upon to assess the classification of a working relationship in the context of the platform economy (as we explore in the 'Case Law Trends' section later on).



It is of note that one of the key provisions under the EU's Platform Work Directive is the introduction of a rebuttable presumption of an employment relationship where facts indicating direction and control, in accordance with national law, collective agreements or practice in force in the Member States and with consideration to the case-law of the Court of Justice, are found. It will therefore be interesting to see how Member States decide to implement this in the months ahead.

> *"The EU Platform Work Directive, which introduces a rebuttable presumption of employment where platforms exercise control, is likely to significantly increase reclassification of platform workers as employees".*

Andria Panayiotou
SENIOR LAWYER
IUS LABORIS CYPRUS

A presumption... against employment?

While the introduction of presumptions of employment has become a prominent trend in parts of Europe, this approach has also attracted criticism for being too rigid and possibly detrimental to both workers and businesses.[28] When we think back to the classification conundrum and striking a balance between providing adequate protections and rights for digital platform workers, against the flexibility and autonomy that is inherent in digital platform work, there might be questions over whether the introduction of a presumption of employment status achieves that balance.

Against this, Greece has taken a different direction within the region.[29] Although the country has established set criteria to determine employment status, as listed in the relevant regulations, the presumption is *against* dependent employment. Digital platform workers are classified as independent contractors if the four listed conditions are cumulatively met. The regulations have also introduced enhanced protections and rights (explored further above) for self-employed platform workers.

The Greek model has been praised by some commentators,[30] who feel that it enhances working conditions for platform workers while preserving the advantages of self-employment, such as the flexibility and autonomy that it promotes. The criteria used have also been recognised as being particularly clear, avoiding more interpretative concepts such as employer control and direction that are used in some of the aforementioned criteria.

Mexico's single criteria

While many countries rely on multifactor tests to determine whether platform workers should be classified as employees or independent contractors, Mexico diverges from this trend by placing salary at the centre of its classification framework.

Under the country's recent reform that came into force in June 2025, the main determinant of employment status is now salary. Workers earning at least one monthly minimum wage (MXN 9,451.00 or USD 525.06) are considered employees, while workers earning below this threshold are classified as independent workers but still must be registered for workplace risk coverage. This reform shifts the approach to classification from a case-by-case judicial analysis to a statutory framework, making income level the primary criterion. Mexico is also one of the very few countries in our survey that uses a salary threshold as a criterion for determining employment status.

When we think about ways to regulate digital platform work, this seems to represent a 'hybrid' approach. The new provisions ensure that those earning below the wage threshold must still be registered with the IMSS for occupational risk coverage, thereby establishing a baseline protection that did not exist before. This chimes with some of the themes explored in the previous section. At the same time however, those who meet the wage threshold are automatically classified as employees, simplifying the process of accessing full employment benefits.

It is worth noting that Mexico's legal framework on platform work is currently undergoing significant transformation and that future regulatory developments may refine the scope and implementation of these rights.

Indirect proposals

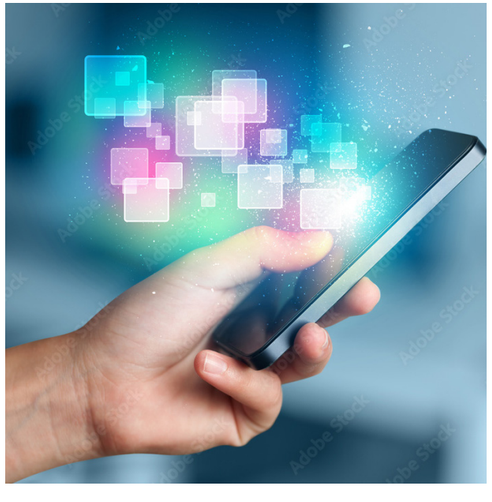
In countries where specific regulations for digital platform work have been introduced then, new legislation aims to address classification issues by implementing more certainty and predictability when it comes to the required assessment. However, dealing with issues of classification through new regulations is not unique to digital platform work.

NEW ZEALAND

From our survey, we see several other jurisdictions proposing to add clarity to the employment status criteria more generally. New Zealand, for example, has very recently introduced a new 'gateway' test whereby workers are classified as independent contractors if all four specified criteria are met. This bears resemblance to the approach in Greece, with the government hoping that it will provide greater certainty for contractors and businesses.[31]

THE NETHERLANDS

Some other jurisdictions are considering ways to clarify existing classification assessment criteria.



In the Netherlands, two separate bills have been proposed which both aim to clarify the uncertainty surrounding the classification of employment relationships. The first bill is known as the 'VBAR' and the second bill is the Self-Employment Bill. Although neither is specifically linked to digital platform work, this is an important development that is still likely to have an impact in this area.

For a long time, it was unclear whether and if so, which bill the Dutch legislator would proceed with. However, on 30 January 2026, the new proposed government (which has since officially formed) presented its coalition agreement. The agreement shows that the new government aims to implement a combination of both bills by proposing to introduce the assessment framework for qualifying the employment relationship from the Self-Employment Bill, together with the legal presumption from the VBAR.

The assessment framework from the Self-Employment Bill would consist of a pre-assessable test to determine whether a worker qualifies as self-employed. This would mainly include an assessment of the worker's entrepreneurial status. In addition to the assessment framework, the legislator wants to introduce a legal presumption. This legal presumption would be a combination of the legal presumption from the VBAR (if the hourly rate is EUR 38 or less, the existence of an employment agreement should be presumed, unless this can be disproved) and a legal presumption for specific sectors with a high risk of 'false self-employment' from the Self-Employment Bill. For the time being, it remains unclear exactly what this combination of legal presumptions would look like. In addition, there would be a special committee to provide advance rulings on classification.

HONG KONG

Hong Kong also offers an example of an indirect development that may affect the classification of platform workers. In Hong Kong, employees receive additional statutory benefits if they work under a "continuous contract".

The definition of a "continuous contract" has recently been revised, from previously requiring at least 18 hours of work per week for four consecutive weeks in order to trigger the definition of "continuous contract"; to 17 hours of work per week for four consecutive weeks or a total of 68 hours over four weeks.

This change, effective since 18 January 2026, is expected to widen the pool of employees eligible for statutory benefits, although their ultimate classification will continue to depend on the factors as set out in case law.

While not aimed specifically at platform work, this adjustment may capture more platform workers whose working patterns meet the updated threshold, thereby indirectly influencing status outcomes.

Reflections on trend two

The approaches outlined in this section suggest that countries are considering a wide range of mechanisms to bring greater certainty to the classification of platform workers. Rebuttable presumptions of employment may make it easier for some workers to access employee rights, while models such as Greece's presumption against employment, Mexico's salary-based test, and broader legislative reforms in countries like New Zealand and the Netherlands appear to reflect different views on how best to balance protection with flexibility.

At this stage, it is not yet clear which of these approaches will prove most effective in practice or whether they will help resolve the underlying classification conundrum. What does seem apparent, however, is that policymakers are increasingly looking for tools that provide clearer, more predictable outcomes, an issue that continues to shape regulatory debates in this space.

Against this, a third development appears to be gaining prominence: the use of enforcement measures to address misclassification directly. Rather than seeking to refine definitions or redesign classification tests, some jurisdictions are instead strengthening oversight, compliance and enforcement activity. We explore this third and final trend in the next section.

Trend three: Enforcement

The third and final trend is the growing use of enforcement measures to address misclassification directly. Rather than redefining platform work or adjusting classification tests, some jurisdictions are strengthening oversight and compliance mechanisms. This includes renewed tax authority enforcement against false self-employment, transitional penalty regimes, and the creation of specialist bodies with investigative and sanctioning powers. Early evidence suggests that heightened enforcement risk can influence business models.

Tackling misclassification head on in the Netherlands

One of the clearest examples of this enforcement approach can be seen in the Netherlands, where renewed action against false self-employment has already begun to influence employer behaviour.

As of 1 January 2025, the Dutch tax authorities have restarted enforcement of their measures on false self-employment. This means that false self-employed workers and organisations engaging them can receive surcharges and fines (even retrospectively). However, 2025 was deemed a 'transition year', in which the tax authorities issued warnings first, before imposing surcharges. This transition period has been partially extended during 2026. This means that fines will not be issued until later this year (subject to any further extensions) and in the meantime, a visit by the authorities to the company premises will be the first step. The reason the extension is described as 'partial' is that surcharges may now be imposed. Finally, in cases where there is no 'malicious intent', corrections will not be made retroactively beyond 1 January 2025. To support these measures, the Dutch National Government has introduced an online guide for individuals to examine whether their situation truly fits self-employment or if it is closer to salaried employment.[32]

It will be interesting to see whether this will have more of an impact on tackling issues around misclassification than the other measures proposed in the country, such as greater clarification on the status criteria to be applied, as explored above.

According to their tracker, in the first quarter of 2025, the Chamber of Commerce recorded a 37% rise in the number of so called 'deregistrations' or 'stopping'. This occurs where a business, including independent contractors, confirm to the Chamber of Commerce that they wish to remove their company from the Business Register. Almost three quarters of the deregistrations recorded in Q1 2025 involved self-employed workers. This is the sharpest increase of deregistrations in ten years.[33]

Fast forward one year on, the latest figures indicate that the number of self-employed professionals in the Netherlands registered in the Business Register has increased, albeit at a steady rate (and with some fluctuation from month to month). According to the December 2025 report, as of 31 December 2025, there are now 1,788,320 self-employed persons registered,[34] compared to 1,772,857 on 31 December 2024 (an increase of 1.1%).[35] However, that is a 0.5 % decrease from the total measured as of 30 November 2025.

> *The early signs are intriguing with the evidence suggesting that companies are moving away from the use of independent contractors, possibly even in legitimate cases where there has been no misclassification, out of fear of the legal risks. They are shifting their staffing strategies and now looking for other ways to utilise flexible staffing to overcome capacity problems in the labour market. This has been our experience and is also reflected by figures posted by the Dutch Chamber of Commerce. I further expect the legal presumption based on hourly rate (if and when this is implemented as part of the adjusted Self-Employment Bill proposal) to have a direct practical impact for companies in the Netherlands, as they will no longer be able to engage independent contractors below that hourly rate. In specific sectors, such as construction, child care, as well as delivery services, I expect this will require change.*

Cathelijn Derks
PARTNER
IUS LABORIS NETHERLANDS

A new enforcement body in the UK?

Meanwhile, in the UK, the new Employment Rights Act 2025 establishes the Fair Work Agency (FWA), a new enforcement body which will bring together enforcement of key employment rights including national minimum wage, agency worker protections and gangmaster licensing, into one place and, over time, will take on enforcement of additional rights such as holiday pay and statutory sick pay enforcement. It will have powers to issue penalties (up to 200% of the sum owed capped at GBP 20,000 per individual), powers to enter premises and seize records or computers as part of its investigations, and authority to bring tribunal claims on behalf of individuals (even if the individuals themselves decide not to bring a claim).

The FWA was established from 7 April 2026, and its introduction is likely to significantly increase the risk of tribunal claims related to worker status and the potential financial exposure that companies face when misclassifying individuals. Our UK law firm also expects that the FWA will be particularly interested in app-based platforms operating in the gig economy.

Reflections on trend three

The examples from the Netherlands and the UK suggest that enforcement-led approaches may help address genuine cases of misclassification by increasing scrutiny and strengthening compliance. At the same time, early signs indicate possible unintended effects, with some companies moving away from the use of independent contractors, even where arrangements appear legitimate, due to heightened legal risk. This seems to echo the broader classification conundrum: measures designed to tackle misclassification may also influence the flexibility and autonomy that many workers and businesses value. As such, enforcement appears to be an important but nuanced complement to other regulatory approaches.

That concludes our review of the three key classification trends emerging from our survey. The next section turns to the courts, which continue to play a central role in resolving classification disputes where legislation and enforcement alone do not provide definitive answers.

Case law trends

Determining questions of employment status in the face of challenges from employers and workers has largely been the domain of the judiciary in many countries worldwide. Of the countries we surveyed, several outlined the facts and outcomes of the highest profile and recent judicial decisions on digital platform work, showing that court involvement is still central to this area. In this final section, we explore how courts across jurisdictions continue to shape the practical interpretation of platform work arrangements, the factors particularly relevant to digital platform work that influence judicial outcomes, and the ways in which recent regulatory reforms are beginning to filter into litigation and judicial reasoning.

Courts: the custodians of classification

Courts remain heavily engaged in determining the legal status of digital platform workers, and despite growing legislative activity in some jurisdictions, judicial interpretation continues to play a central role in shaping the practical boundaries of employment classification.

Ongoing litigation, often involving the same major platforms across multiple countries and taking place in the highest courts in the land, demonstrates that courts are still required to resolve fundamental questions about control, dependence, and the relevance of contractual wording in a rapidly evolving regulatory environment.

General trends

Across the countries surveyed, the case law landscape on digital platform work is highly varied. Courts at different levels, ranging from lower tribunals to supreme courts, continue to address a wide set of issues arising from platform work. In some cases, these issues extend beyond the question of employment status. While many decisions focus on whether platform workers should be classified as employees or independent contractors (or indeed a third or other status, such as in the UK), others address related questions such as tax treatment and the application or enforcement of specific statutory rights (for example, unfair deactivation protections in Australia and health and safety obligations in Italy).

Alongside this diversity of decisions, some jurisdictions display general directions of travel. In Hong Kong, and upon applying the relevant criterion, the Courts have, in most cases, ruled that digital platform workers would not be classified as employees (although there has been a recent exception[36]). Brazil's Superior Labour Court tends to rule that there is no employment relationship, classifying platform workers, such as app drivers and delivery workers, as self-employed. However, the recent retirement of Justice Barroso and the prospective nomination of a new judge by President Lula da Silva may swing the balance of the court. Uruguay, by contrast, illustrates movement in both directions over time. Most case law decisions have identified disguised employment relationships. However, following legislative reform, there have now been rulings that find independent contractor status too.

Outcomes also differ across platform types, from ride-hailing to food delivery to task-based work, and even when dealing with similar factual models, courts in different jurisdictions have reached divergent conclusions. This variability underscores that there is no single judicial approach to platform work, and that disputes remain sensitive to the facts of each case.

Finally, across several jurisdictions, courts assessing platform work and employment status place emphasis on the practical reality of how the work is carried out, rather than on the contractual labels used by platforms. This approach is particularly clear in countries such as Belgium, Spain, Switzerland, Hungary and the Netherlands, where courts consistently examine the actual execution of the work, focusing on factors such as the degree of operational control, the platform's

unilateral setting of prices, real time monitoring, and the extent to which the worker is integrated into the platform's service model. In these systems, contractual descriptions are treated as relevant but not determinative and may be overridden where the factual circumstances demonstrate an employment relationship.

What moves the dial in digital platform cases?

Building on the substance over form approach outlined above, the cases selected in the table below illustrate some of the specific features of digital platform work that courts have focused on in recent, high-profile decisions. Although not exhaustive, this sample shows how tribunals and courts across jurisdictions analyse concrete aspects of the digital platform work relationship, such as control mechanisms, pricing structures, monitoring tools, levels of autonomy, and financial risk, when determining employment status.

We have sorted the decisions in date order. The table includes: a short case description highlighting the country, court, decision date and platform involved (where known); the classification finding made by the court (i.e. employee or self-employed); and most importantly, key factors the court considered in reaching its decision. Please note that these decisions are highly fact specific, and similar arrangements can lead to different outcomes depending on the circumstances.

CASE DESCRIPTION	CLASSIFICATION FINDING	KEY CLASSIFICATION FACTORS
2026		
Netherlands Amsterdam Court of Appeal decision dated 27 January 2026 regarding Uber drivers.[37]	Self-employed	The Court placed weight on the fact that some drivers had made substantial investments in their vehicles and bore the financial risks associated with those investments themselves. The Court also considered that Uber drivers generally earn more than employed taxi drivers and enjoy a high degree of freedom when deciding whether or not to accept rides. Entrepreneurship, one of the criteria that courts take into account in the Netherlands, proved decisive.
2025		
New Zealand Supreme Court decision dated 17 November 2025 regarding four Uber drivers.[38]	Employees	The Court was not persuaded that the following findings of the lower Courts were wrong: • Uber exercises very close control over every aspect of drivers' delivery of its passenger transport services. It chooses how they perform, including route selection; it monitors performance; and it polices their behaviour. It exercises control while they are on the app, not merely in the period between acceptance and completion of trips. • Drivers are not closely integrated into Uber's business in the traditional senses that they must attend its premises, wear uniforms and submit to human resources supervision. But once it is accepted that Uber delivers passenger transport services to riders, drivers must be considered integrated in a more substantive sense. They are the face of Uber's business, and the relationship between Uber and its drivers is one of co-dependency. • There are some indications that drivers are in business on their own account but their lack of control over the quantity and quality of work they receive, the price they are paid for it, and their inability to build goodwill point strongly to the conclusion that they are not. Ultimately, the Supreme Court found that the 'real nature' of the employment relationship between the company and the workers prevails over any contractual labels of employment status.
Belgium Brussels Labour Court of Appeal decision dated 13 June 2025 regarding an Uber driver.[39]	Employee	The Labour Court found that a majority of the specific criteria for the transport sector were met, giving rise to a presumption of an employment relationship: • The driver bears no financial or economic risk within Uber. He makes no personal or substantial investment in the company's capital and does not share in the platform's profits or losses. • The driver has no responsibility for or decision-making power over the platform's financial resources. • The driver has no authority over Uber's purchasing policy. • The driver has no say over Uber's pricing policy. In fact, he has no power to set or negotiate the fare charged to the user (it is determined unilaterally by Uber, based on a pricing method established and modifiable at any time by Uber). Although the contract provides that the driver may charge a fare lower than the user fare set by Uber, the Court considered this possibility to be purely theoretical. • The driver is not subject to a performance obligation. He is merely required to be available when connected to the app and to carry out the rides he accepts. • The driver has no guarantee of payment or of a minimum volume of work. He is paid per ride (which is the only element pointing toward a self-employed relationship). • The driver does not personally and freely hire any staff. • The driver works mainly for a single contracting party, namely the platform.

CASE DESCRIPTION	CLASSIFICATION FINDING	KEY CLASSIFICATION FACTORS
		• Lastly, the driver performs his work using resources provided by Uber. Although he uses his own vehicle, he also, and above all, relies on Uber's IT infrastructure (specifically the application, which is essential to perform the work). According to the Labour Court, the general classification criteria did not rebut the presumption of an employment relationship arising from the specific criteria set out above. **Note**: The Labour Court applied the specific criteria relevant to the transport sector concerning the carriage of goods and/or persons for the account of third parties, rather than the criteria for the platform economy. The case originated from a decision by the Administrative Commission for the Regulation of the Employment Relationship (CRT) that predated the entry into force of the provisions of the "Labour Deal".
Peru Decision of the Seventh Labour Chamber of the Superior Court of Justice of Lima of 15 January 2025 regarding a delivery rider.[40]	Employee	In reaching its conclusion, the Court analysed a number of factual elements, including the following: • the requirement to undergo a selection process; • the obligation to provide services on a strictly personal basis; • the company's exclusive authority to set product prices and delivery fees, with no possibility for the rider to negotiate such terms; • the performance of services under variable shifts determined by the company's digital platform, through which effective control over working time was exercised; • the rendering of services within the company's organisational structure; • the absence of an independent business organisation on the part of the rider, inconsistent with an independent contractor arrangement; • the company's real-time monitoring of the worker's location through the platform; • the mandatory use of uniforms bearing the company's logo; • the indispensability of the digital application for the performance of the service; and • the exclusivity of service provision within the platform's services.

CASE DESCRIPTION	CLASSIFICATION FINDING	KEY CLASSIFICATION FACTORS
		2024
Spain Decision of the High Court of Justice of the Valencian Community of 17 September 2024 regarding a rider.[41]	Employee	The Court concluded that there were clear indications of dependence and alienation, such as control through the digital application, the imposition of conditions, geolocation, fixed block remuneration and the absence of the collaborators' own business organisation, which determines the existence of an employment relationship.
		2023
Hungary Supreme Court decision dated 13 December 2023 regarding a food delivery driver.[43]	Self-employed	In reaching its decision the Court applied the usual criteria in Hungary. The ruling was based particularly on the following characteristics: • an absence of mutual obligations, evidenced by the absence of fixed working hours; and • a lack of a hierarchical relationship or personal subordination, as the platform worker did not perform work within the employer's organisation.
United Kingdom Supreme Court decision dated 21 November 2023 regarding Deliveroo riders.[44]	Self-employed	Central to this decision was the absence of a requirement for personal service. Even so, and while the Supreme Court said that this in itself was enough to decide the issue for Deliveroo, it also noted other features that were fundamentally inconsistent with an employment relationship. This included, for example, the: (1) highly flexible nature of the work, including the absence of any minimum obligation to do particular work, turn down any delivery offered, and log on and off as the riders chose; and (2) relatively relaxed rules relating to working for competitors and the kit that they wear.
Switzerland Decisions of the Swiss Federal Supreme Court dated 16 February 2023 regarding Uber drivers.[42]	Employee	Although elements of both self-employment and employment could be found, the weighting of the following aspects clearly pointed to the existence of economical and organisational dependency in the sense of an employment between Uber and the typical driver in the year 2014. • Right of instruction: The behavioural requirements formulated as recommendations are binding instructions, and its compliance is monitored by Uber. • Subordination: evidenced via the rating system, GPS tracking option and the fact the driver cannot determine

CASE DESCRIPTION	CLASSIFICATION FINDING	KEY CLASSIFICATION FACTORS
		duration and destination of the journey themselves. • Lack of entrepreneurial risk: the Court found that the purchase and maintenance of a vehicle is not a significant investment; software and IT infrastructure is provided by Uber; collection and credit risk are marginal; no actions are undertaken in the own name of the drivers' own names.
		2022
Spain Judgment of the Aragon High Court of Justice of 19 September 2022 regarding delivery riders.[45]	Employee	In this case, the delivery drivers were subject to effective control and organisation by the company, which set prices, conditions and schedules and supervised the service through a digital platform with geolocation and rating systems. The formal freedom to choose schedules or reject orders was conditioned by mechanisms that limited such autonomy, evidencing dependence and alienation.
Switzerland Decision of the Swiss Federal Supreme Court dated 30 May 2022 regarding an Uber driver.[46]	Employee	The Swiss Federal Supreme Court examined this decision for arbitrariness to a limited extent and ruled that the qualification as an employment relationship was not arbitrary, in particular on the basis of the following arguments: • Drivers were recruited via an online job board. • Drivers agreed to the terms of use, service contract and 'Uber Community Charter'. • There was no obligation to provide rides; but sanctions were applied if two to three rides were refused. • Cancellation quotas were not allowed to be exceeded. • In case of inactivity, drivers were requested to resume activity. • Requests via SMS to work were also made at certain times. • Instructions were issued regarding the condition of the vehicle, behaviour towards customers and clothing. • Uber had control where complaints were made. • Drivers had no influence on price – there was a prohibition of direct negotiation with the customer. • Routes were specified by the app, with deviations being at the driver's expense. • The rating system came with threat of sanctions in the event of undercutting.

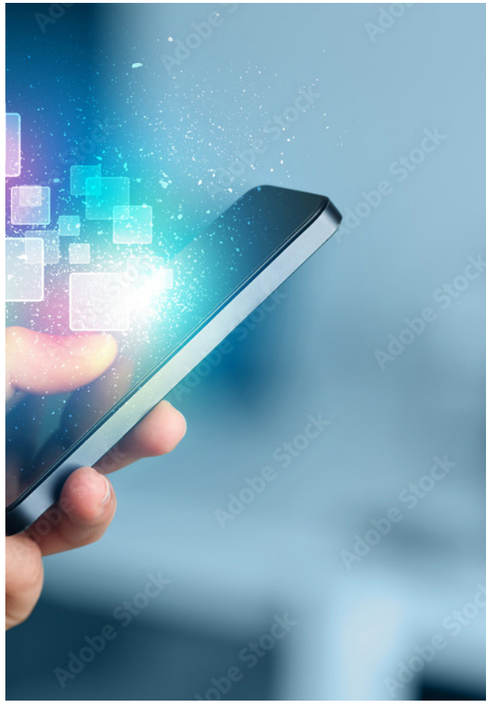
CASE DESCRIPTION	CLASSIFICATION FINDING	KEY CLASSIFICATION FACTORS
		• There was permanent geo-localisation. • Uber is the invoicing party.
		2021
Colombia Constitutional Court decision dated 21 April 2021 regarding a webcam model.[47]	Employee	In reaching this finding, the Court analysed: • The imposition of a minimum of eight hours of service; • Adverse consequences for not logging into the platform; • Stages during the admission process to the platform; • The platform's authority to monetise the revenue generated, decide the method of client payments, and subsequently transfer the proceeds to the claimant; • The platform's ability to review and investigate complaints about the content; and • Continuous monitoring, control, and oversight of the worker's activities.
		2020
United States (New York) Decision of the Appellate Division of the Supreme Court decision dated 17 December 2020 regarding Uber drivers.[48]	Employee	The Court held that facts existed to establish that Uber controls drivers' access to customers, calculates and collects fares, sets the drivers' compensation rates, and tracks drivers' locations, among other facts that evidence sufficient control.
Spain Supreme Court decision dated 25 September 2020 regarding a Glovo rider.[49]	Employee	Despite the existence of a contract for the provision of self-employed services and the apparent freedom of the worker to choose his own hours and reject orders, he was subject to an algorithmic control system, constant geolocation, daily assessment and penalties that condition his access to orders, and he did not have his own significant productive infrastructure, so the relationship was classified as an employment relationship.

Same platforms different results

An interesting theme that we explored in our 2025 report when assessing case law is that different decisions on status have been made in respect of the same digital platform company. The Dutch and UK Supreme Courts, for example, have reached different outcomes in respect of Deliveroo's riders. In the Netherlands, the court ruled in 2023 that the legal relationship between Deliveroo and its delivery drivers qualifies not as an agreement for services, but as an employment agreement in the sense of the Dutch Civil Code. By contrast, in the UK, the Supreme Court found that Deliveroo riders were not in an "employment relationship" for the purposes of European human rights law.

Since then, we have seen this trend continue. In the UK, another high-profile case is the 2021 Supreme Court judgment in *Uber v Aslam*.[50] The court unanimously decided that drivers engaged by Uber are workers rather than independent contractors. It also decided that drivers are working when they are signed into the Uber app and ready to work.

In the Netherlands, and as explored above, a very recent appellate decision regarding Uber drivers found that they were self-employed contractors. The drivers' level of entrepreneurship proved to be decisive (this being one of the several important factors that must be taken into account[51]).



According to the court, sufficient entrepreneurial characteristics can shift the balance towards a contract for services rather than an employment contract. At the same time, the court emphasised that it could not issue a general ruling applicable to all Uber drivers. The reason is that there are significant differences between drivers in how entrepreneurial they are. As a result, some drivers may qualify as self-employed, while others may still be regarded as employees. There is of course added interest here given that external entrepreneurship is also a key criterion in both the VBAR Bill and the Self-Employed Persons Bill, as we examined at page 53-54.

Of course, each of these cases contains different sets of facts, with the application of two different sets of legal frameworks. However, it demonstrates the unpredictable global landscape that platform companies operate within. It perhaps also demonstrates the importance of judicial involvement in the digital platform economy, in being able to deal with the nuanced and dynamic area of employment classification in the context of digital platform work.

How regulation is reshaping judicial assessments

Another interesting case law trend is how recent regulatory reforms in several jurisdictions are reshaping how courts approach platform work disputes. Rather than relying solely on traditional employment status tests, some judges are now applying statutory presumptions, new worker categories and regulatory procedures, potentially changing both the nature of litigation and the courts' role within it. Elsewhere, courts are now engaging not only with status classification but also with the application of new statutory rights tailored to digital platform workers, as seen in Australia's early decisions under its unfair deactivation laws.

MEXICO: SHIFTING THE FOCUS OF LITIGATION

Prior to the enactment of the Digital Platform Workers Reform, Mexican courts generally classified digital platform workers as independent contractors, ruling that their flexibility and lack of direct employer control did not meet the criteria

for an employment relationship under the Federal Labour Law. However, the Digital Platform Workers Reform, published on 24 December 2024 and in force since June 2025, significantly changes this approach by recognising certain platform workers as employees.

As we have explored elsewhere (see pages 52-53), the reform introduced a statutory, income-based classification model. However, rather than eliminating legal disputes, the new framework has shifted the focus of litigation. Early legal challenges and advisory work indicate growing judicial and constitutional scrutiny of the reform, particularly in relation to legal certainty, equal treatment, proportionality, and the interaction between mandatory social security coverage for platform workers and existing voluntary social security regimes.

While there is not yet a consolidated body of post-reform case law, courts are expected to play a central role in interpreting the scope and limits of the income-based test, the legal consequences of algorithmic management, and the boundary between statutory classification and traditional employment concepts. As a result, the Mexican approach to platform work remains legally dynamic, with further judicial clarification likely as enforcement actions and constitutional challenges progress.

URUGUAY: A NEW PROTECTED CATEGORY RESHAPING OUTCOMES?

Historically, most judicial decisions in Uruguay have found that there is a disguised employment relationship between the worker and the digital platform. However, since Uruguay's recent law

that specifically regulates platform work (Law No. 20.396) was approved in 2025, there have been specific rulings in favour of declaring the autonomy of the independent contractor.

The most high-profile case where the judge ruled in favour of independency involved the digital platform PedidosYa. The Judge noted that, following the approval of Uruguay's new law, the legal system has now created a new category of self-employed worker with legal protections for platform delivery activities.

The Court emphasised that the legal relationship must be assessed by examining how the work is carried out in practice. In doing so, it identified features indicating autonomy: drivers assume the economic risk of their activity; are not subject to orders, schedules or directives; are free to choose

routes; may refuse orders; face no penalties; have no minimum-connection requirement; and may work for competitors. The Court concluded that the flexibility, payment structure and absence of subordination aligned with this new statutory category.

As case law under the 2025 legislation remains limited, it is not yet clear how courts will apply the new framework going forward. Even so, this case poses an interesting question: to what extent will the new statutory framework steer future courts toward similar findings, and where might judicial interpretation diverge as more cases come through?

BELGIUM: STATUTORY PRESUMPTIONS

In the Belgium case explored above, the Brussels Court of Appeal was tasked with examining whether the statutory presumption of an employment relationship had been met.

While it did so in accordance with the specific criteria applicable to the transport sector rather than the criteria for the platform economy (as the case originated from a CRT decision predating the more recent "Labour Deal" framework), the decision serves as a useful touchpoint when we think about statutory presumptions of classification, particularly as EU Member States prepare for implementation of the Platform Work Directive.

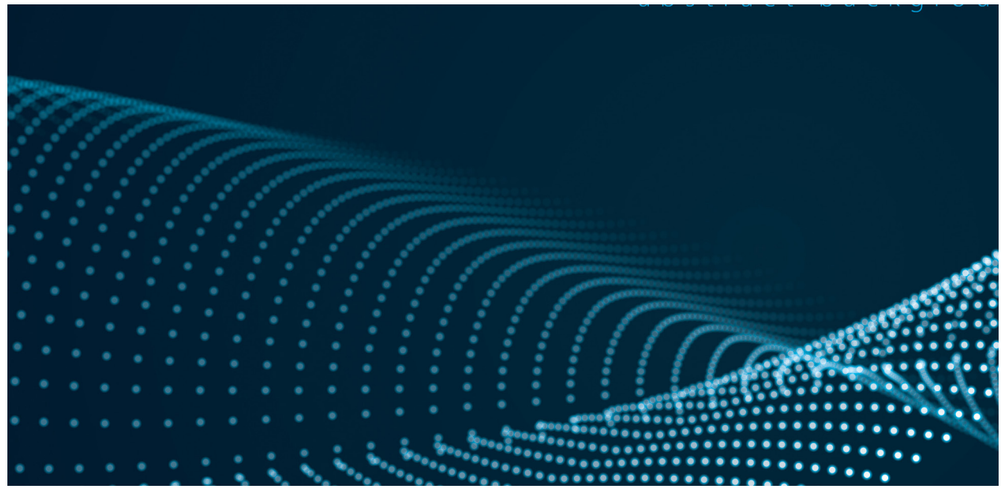
In the decision, the CRT had already indicated that collaborations in the context of the platform economy may correspond to an employment relationship rather than independent work. Against this backdrop, the Court found that "a majority of the specific criteria of the transport sector concerning the carriage of goods and/or persons for the account of third parties were met, giving rise to a presumption of an employment relationship," including lack of financial risk, no pricing authority, and reliance on Uber's IT infrastructure. As these statutory criteria were satisfied, and the general criteria did not rebut the presumption of an employment relationship either, the Labour Court ruled that the driver was an employee of the platform. The Labour Court overturned the first-instance decision of the Brussels Labour Tribunal of 21 December 2022 and therefore confirmed the decision of the CRT of 26 October 2020.

AUSTRALIA'S UNFAIR DEACTIVATION CODE

Australia's new statutory framework is prompting courts and tribunals to engage with the new rights and protections now afforded specifically to digital platform workers. In particular, the Fair Work Commission is increasingly required to assess compliance with the new unfair deactivation procedures and standards, illustrating how regulation is reshaping judicial involvement in the platform economy.

In the first substantive decision of the Fair Work Commission determining an application under the new unfair deactivation laws, Deputy President Saunders dismissed an application by an Uber Eats delivery partner, Rahul Kumar, for an unfair deactivation remedy under section 536LU of the Fair Work Act 2009.[52]

The deactivation followed sustained low customer satisfaction ratings below Uber's Brisbane



threshold of 85%, despite education and two written warnings. A preliminary deactivation notice was then issued, Mr Kumar was suspended pending review, he responded (but did not seek a discussion), and a final deactivation notice followed.

Mr Kumar's average rating at deactivation was 81%, trending down to 75% post-warning and 70% across the 10 ratings following a second warning. Uber's notices made clear the 85% minimum, provided improvement guidance, and explained the process and rights to respond and seek support. Uber also showed that ratings were not recorded for cancelled trips where issues like damaged food or app/network problems were reported.

The Fair Work Commission first asked whether the deactivation was consistent with Australia's Digital Labour Platform Deactivation Code (the 'Code'), a threshold "initial matter" under s.536LW(c).

The Code's process requirements were met: adequate deactivation warnings (s.8), a compliant preliminary notice (s.11), lawful suspension pending consideration (s.12), genuine human consideration of the response and inquiries (s.13), and a timely written decision (s.14).

On validity, the Commission held that s.14(4) of the Code requires assessing whether the operator's reason is "valid" and whether the operator, on reasonable grounds, considered the reason established (this is an evaluative standard, not a factual proof inquiry akin to unfair dismissal). Failure to meet a reasonable, known platform requirement (here, the 85% rating) is a potential valid reason under s.19(2), which was objectively reasonable on Uber's evidence (which included market data, quality risks, averaging and warnings/support). As the deactivation was consistent with the Code, the application was dismissed.

Reflections on case law

The cases reviewed suggest that the judiciary continues to play a central role in interpreting employment status in digital platform work. While legislative and enforcement developments are reshaping the wider landscape, courts remain the forum in which the practical boundaries of control, autonomy and economic dependence are tested. The variability in outcomes, including divergent findings for the same platform across different jurisdictions, highlights the complexity of assessing platform work models. At the same time, courts are increasingly required to look beyond classification itself, engaging with newly created rights and protections designed specifically for digital platform workers.

As such, judicial interpretation appears likely to remain a critical element of the classification debate for the foreseeable future.

FINAL THOUGHTS

The classification question continues to underpin most policy and legal developments in platform work. Countries continue to take different paths: some are introducing platform-specific definitions and baseline rights, others are adopting new mechanisms for determining status, and some are strengthening enforcement measures to address misclassification directly. Several jurisdictions combine elements of these approaches. All the while, courts remain heavily involved, applying domestic tests to fast-evolving work models and sometimes reaching different outcomes even for similar platforms.

This variation can be interpreted in two ways. Some will view it as a sign of continuing uncertainty, given the differing direction of reforms. Others will see it as a reflection of distinct national priorities, labour market structures and legal traditions that naturally lead to differentiated solutions. A third one is that each case may be fact-specific.

Ultimately, digital platform work now sits within a highly nuanced regulatory environment. For organisations operating across borders, this means careful monitoring and analysis will remain essential as approaches continue to develop.

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Our International Policy Group brings together the most senior experts from across Ius Laboris and keeps us closely connected to key international organisations. Through regular engagement, joint initiatives and contributions to global discussions, we stay at the forefront of developments shaping the world of work. This means we can offer our clients clear, practical insights, based on what is happening not just locally, but at the highest international level.

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