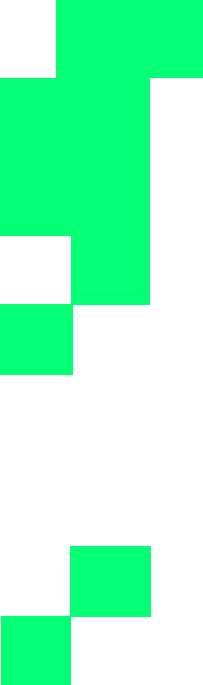


RIGHTS AND REGULATION OF PLATFORM WORK IN LATIN AMERICA





Rights and regulation of platform work in Latin America

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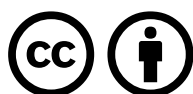
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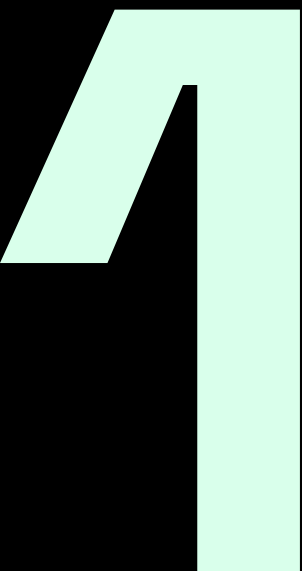
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Introduction

Introduction¹

This publication aims to provide an analysis of the norms governing work on digital platforms across Latin America. We seek to identify how they strengthen existing legal frameworks for the protection of rights in the face of digital technologies, as well as the ongoing challenges in their regulatory and implementation stages.

We start from the premise that Latin American countries' international and constitutional commitments to the protection of human rights such as freedom of expression, freedom of association, privacy, personal data protection, and decent work apply to the digital environment and, therefore, to work mediated by digital platforms². Likewise, national laws protecting these rights should apply to workers in the platform economy³.

This is reflected in existing case law across the region, including rulings favorable to workers on delivery platforms (such as Rappi, iFood, and Pedidos Ya) and ride-hailing platforms (such as Uber) in Argentina⁴, Uruguay⁵, Chile⁶ y Brasil⁷. These decisions have involved measures aimed at guaranteeing the rights to freedom of

1. We would like to thank the ILAW (International Lawyers Assisting Workers) network, especially its Regional Coordinator for Latin America, for reviewing this report and providing valuable feedback prior to its publication. For more information about ILAW, visit: <https://www.ilawnetwork.com/>

2. United Nations General Assembly (2023). Resolution on the Promotion and Protection of Human Rights in the Context of Digital Technologies. A/RES/78/213. Available at: <https://docs.un.org/en/A/RES/78/213> and United Nations Human Rights Council (2023). Resolution on New and Emerging Digital Technologies and Human Rights. A/HRC/RES/53/29. Available at: <https://docs.un.org/en/a/hrc/res/53/29>

3. According to the International Labour Organization (ILO), the platform economy emerged in the 1990s and has grown rapidly, driven by technological advances such as the widespread adoption of smartphones and internet access. It encompasses economic activities carried out at the local, regional, or global level through digital interfaces that act as intermediaries between service providers and clients. The platform economy is present across a broad and growing range of sectors and subsectors, including accommodation; advertising and market research; arts, entertainment, and recreation; care services; education; financial services; information and communication; transportation; and delivery services.

4. Juzgado Nacional de Primera Instancia del Trabajo No. 37 (Argentina). Case No. 46618/2018. Available at: <https://www.ilawnetwork.com/wp-content/uploads/2022/03/000085303.pdf>. In: ILAW (2022). Taken for a Ride: Litigating the Digital Platform Model. Available at: <https://www.ilawnetwork.com/wp-content/uploads/2021/03/Issue-Brief-TAKEN-FOR-A-RIDE-English.pdf>

5. Juzgado Letrado De Trabajo De Trabajo De 6º Turno De Montevideo. Judgment No. 77. Available at: <https://adriantodoli.com/wp-content/uploads/2019/11/Sentencia-1%C2%B0-Instancia-UBER.pdf>

6. Corte de Apelaciones de Concepción, Arredondo with PedidosYA SpA, 15.01.2021, Rol 395-2020. Available at: <https://www.ilawnetwork.com/wp-content/uploads/2022/03/ROL-N%C2%B0395-2020.-C.A.-de-Concepcion.-15012022.pdf>

7. T Tribunal Regional Do Trabalho Da 03ª Região 2ª Vara Do Trabalho De Belo Horizonte. Atsum 0010258-59.2020.5.03.0002. Available at: <https://portal.trt3.jus.br/internet/conheca-o-trt/comunicacao/noticias-juridicas/justica-do-trabalho-reconhece-vinculo-de-emprego-de-motorista-com-a-uber>

association and collective bargaining⁸, to access to justice⁹ and to work. Although some of the regulations on this issue adopted in recent years partially incorporate these judicial safeguards, in practice, the categories created for platform-mediated work have tended to consolidate differentiated regulatory schemes that allow informal working conditions to persist. As a result, they end up limiting the further development of rights-protective case law and reinforcing companies' power to determine the terms of labor relations.

To understand how these rights are being developed, how they intersect with other regulatory frameworks, and to identify challenges and future pathways for their consolidation in the region, we analyze regional trends through the experiences of countries that have already adopted specific norms on the issue: Chile, Colombia, Mexico, and Uruguay. This analysis is conducted in light of discussions within the International Labour Organization (ILO) regarding the guarantee of decent work in the platform economy¹⁰, with a focus on how these developments may impact the regional context¹¹.

Methodologically, our research consists of two complementary strands. First, we conducted a literature review to examine the definitions, forms, and specific characteristics of platform work; situated this phenomenon within the international debate on decent work; and analyzed its development within Latin America's social and technological context.

Second, **we conducted a legislative analysis of the regulations currently in force in Chile, Mexico, Uruguay, and Colombia**, with the aim of identifying their scope, limitations, and provisions regarding human rights, including privacy and personal data protection, algorithmic transparency, non-discrimination, and freedom of association.

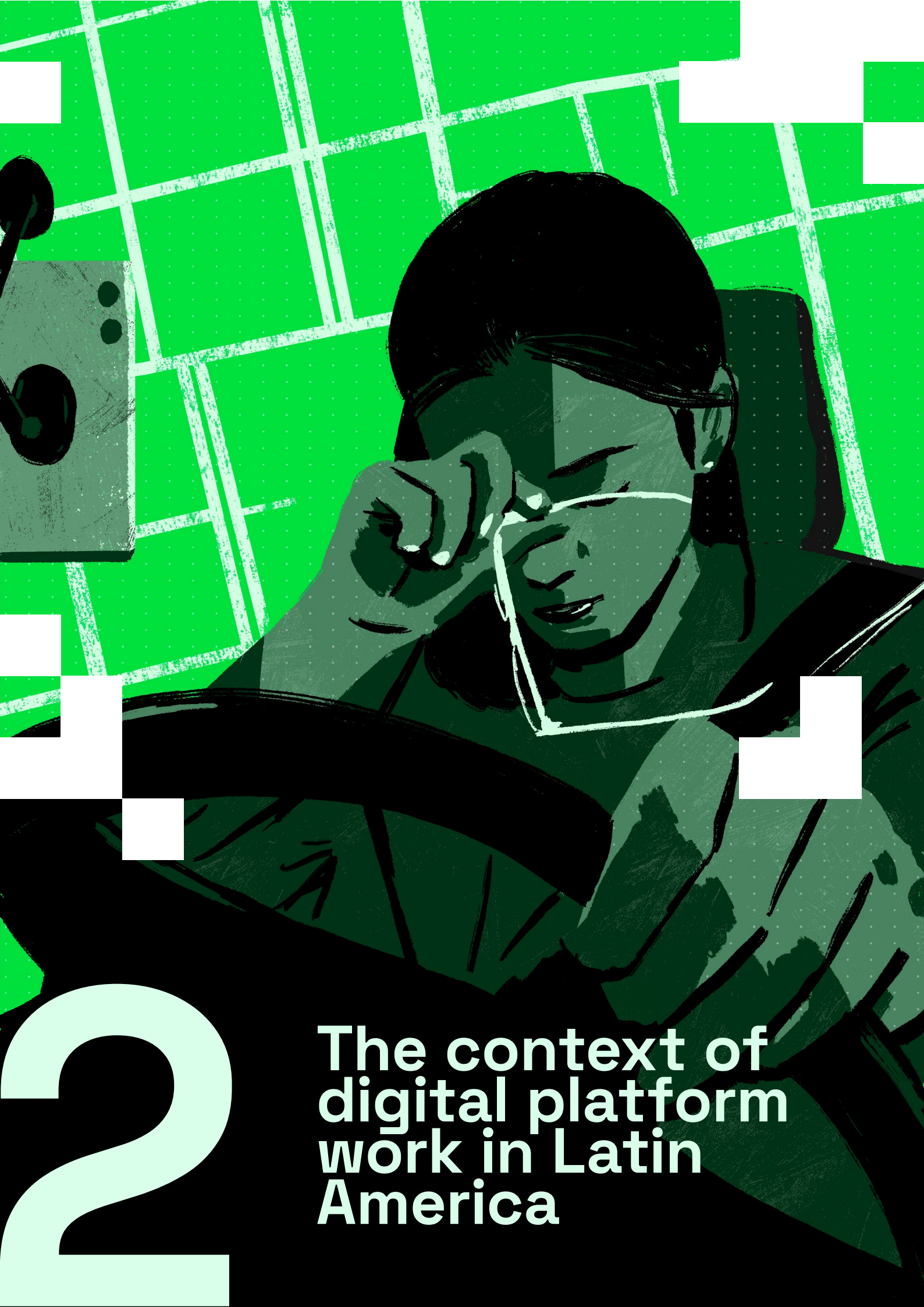
8. Juzgado Nacional De Primera Instancia Del Trabajo N°37. Case No. 46618/2018, in accordance with ILO Convention No. 87, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. See: <https://www.ilawnetwork.com/wp-content/uploads/2022/03/000085303.pdf>; and Ministério Público Federal e com o Ministério Público do Trabalho. Termo de Ajustamento de Conduta (Behavioral Adjustment Agreement)-TAC-. Available at: <https://content.news.ifood.com.br/uploads/2023/07/TAC-IFood-MPT-MPF-Ag-Publica-assinado.pdf>

9. Juzgado Letrado De Trabajo De Trabajo De 6° Turno De Montevideo. Judgment N° 77, in accordance with the American Convention on Human Rights. See: <https://adriantodoli.com/wp-content/uploads/2019/11/Sentencia-1%C2%B0-Instancia-UBER.pdf>

10. See: [https://www.ilo.org/sites/default/files/2024-07/ILC113-V\(1\)-%5BWORKQ-231121-002%5D-Web-SP.pdf](https://www.ilo.org/sites/default/files/2024-07/ILC113-V(1)-%5BWORKQ-231121-002%5D-Web-SP.pdf)

11. See: Garavaglia, P. (2025). Por un trabajo digno en la era de los algoritmos. [Towards decent work in the age of algorithms] Available at: <https://www.derechosdigitales.org/recursos/por-un-trabajo-digno-en-la-era-de-los-algoritmos/> and Garavaglia, P. (2025). Marcos de derechos para el trabajo decente en plataformas: insumos para el debate en el contexto de la 113ª Conferencia Internacional del Trabajo [Legal frameworks for decent work on platforms: input for the debate in the context of the 113th International Labour Conference]. Available at: <https://www.derechosdigitales.org/recursos/marcos-de-derechos-para-el-trabajo-decente-en-plataformas-insumos-para-el-debate-en-el-contexto-de-la-113a-conferencia-internacional-del-trabajo/>

Accordingly, this report is divided into three main sections. The first provides context on digital platform work in Latin America, describing its various forms and the socioeconomic characteristics that shape this phenomenon in the region. The second section presents a policy analysis of existing regulations. Building on developments such as the unionization of digital platform workers, it identifies legislative trends, key advances, and gaps in the protection of human rights in digital environments. The third section identifies trends observed in the analysis. Finally, the report presents concluding remarks and recommendations for future research and collective action.



2

The context of
digital platform
work in Latin
America

The context of digital platform work in Latin America

The platform economy¹² encompasses a wide range of digital platforms, business models, and operational sectors across Latin America and around the world. According to the International Labour Organization (ILO)¹³ and academic research¹⁴ on the subject, digital platform work can be classified into two main groups: web-based work (crowdwork) and location-based work (work on demand via apps). The key difference between these forms of work is whether they depend on a specific geographic location.

The first one is carried out through online platforms that facilitate global demand for services and operate via the internet. Web-based digital work platforms connect an unlimited number of clients with workers located anywhere in the world¹⁵. Under this model, work is typically performed remotely, with workers using their own equipment and resources from home.

Some of the most common tasks performed through web-based platforms include data and image labeling, audio transcription, survey completion, and logo design. Examples of such platforms worldwide include Amazon Mechanical Turk (MTurk), Clickworker, Crowdfunder, Freelancer, and Prolific¹⁶.

The second type operates in specific geographic locations, meaning it involves localized supply and demand. Location-based digital platforms offer and match traditional services, such as food delivery, household services, private transportation, and even care work, through mobile apps that are delivered in

12. For more information, See: ACS, Z. J., et al. (2021). The evolution of the global digital platform economy: 1971–2021. *Small Business Economics*. Available at: <https://link.springer.com/article/10.1007/s11187-021-00561-x>

13. See: International Labour Organization (2019). Digital labour platforms and the future of work: Towards decent work in the online world. Available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/%40publ/documents/publication/wcms_645337.pdf and International Labour Organization (2021). The role of digital platforms in transforming the world of work. Available at: <https://www.ilo.org/publications/flagship-reports/role-digital-labour-platforms-transforming-world-work>

14. See: De Stefano, V. (2015). The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowd Work and Labour Protection in the 'Gig-Economy'. *Comparative Labor Law & Policy Journal*. Available at: <http://dx.doi.org/10.2139/ssrn.2682602>

15. See: ILAW (2025). Lost in a crowd: How crowdworkers are denied their rights at work. Available at: https://www.ilawnetwork.com/wp-content/uploads/2025/05/Crowded-Out-of-Protection_FINAL-2.pdf

16. International Labour Organization (2025). Survey on workers on web-based digital platforms. Available at: <https://www.ilo.org/publications/survey-workers-web-based-digital-platforms>

person within the same city. Examples of these platforms worldwide include: Uber, iFood, Rappi, Pedidos Ya, and Zolvers. This document will focus on this second group.

Despite their differences, both forms of digital platform work share structural characteristics that allow for a common analysis¹⁷. First, technological mediation and the speed and immediacy with which services are matched and delivered. In other words, both rely on information and communication technologies (ICT), using the internet and a digital application interface to match supply and demand at extremely high speed, minimizing transaction costs and enabling access to ‘just-in-time’ pools of available workers¹⁸.

Second, the “datafication” of work has made the collection and analysis of a wide range of personal and sensitive data an intrinsic feature of employment. This process is sustained by a massive flow of information, encompassing workers’ location, movements, behavior, and performance, as well as their communications and even biometric data, all of which directly feed the algorithmic management of the workforce. Platforms disclose very little about how they use this data to set pay, track and monitor performance, and ultimately shape working conditions¹⁹.

Third, the precarization of workers. Under this logic, the workforce is expected to operate with the fluidity of software, while being subjected to review and rating systems that can be excessive. Furthermore, these forms of work have developed outside the scope of labor rights, automatically excluding platform workers from traditional social protections. And fourth, the classification of workers as independent contractors. This has been a cornerstone of both business models, allowing platforms to avoid key labor obligations such as minimum wage, social security contributions, sick pay, and paid leave, among others.

The specialized literature warns that these characteristics pose serious risks to the “Fundamental Principles and Rights at Work”²⁰ (which are universal and apply to all workers). Consequently, regional and global policies, measures, and regulatory advances are needed to recognize digital platform work as work and the people involved as workers, thereby combating its dehumanization and precarization.

From a sociological perspective, digital platform work reflects and draws on the broader dynamics of precarization and informalization in contemporary labor markets. It is precisely within these structural social conditions that it finds fertile ground for its proliferation and global expansion²¹.

17. See: Bukht, R. y Heeks, R. (2017). Defining, Conceptualising and Measuring the Digital Economy. Available at: <http://dx.doi.org/10.2139/ssrn.3431732>

18. See: De Stefano, V. (2015). The Rise of the ‘Just-in-Time Workforce’: On-Demand Work, Crowd Work and Labour Protection in the ‘Gig-Economy’. Comparative Labor Law & Policy Journal. Available at: <http://dx.doi.org/10.2139/ssrn.2682602>

19. Vallas, S., y Schor, J. (2020). What Do Platforms Do? Understanding the Gig Economy. Annual Review Sociology. 46:273-294. <https://doi.org/10.1146/annurev-soc-121919-054857>

20. International Labour Organization (2022). ILO Declaration on fundamental principles and rights at work and its follow-up. Available at: https://www.ilo.org/sites/default/files/2024-04/ILO_1998_Declaration_EN.pdf

21. Cherry, M. A. (2026). Beyond Misclassification: The Digital Transformation of Work. Comparative Labor Law & Policy Journal. Available at: <https://ssrn.com/abstract=2734288>

In Latin America, the platform economy and the forms of work it enables have developed within a specific socio-technical context, where labor markets are characterized by high levels of informality²². According to the ILO²³, informality affected half of the region's working population in 2022.

This phenomenon is associated with low incomes, inadequate social protection, poor working conditions, and high levels of job insecurity, and is particularly severe among workers in non-wage employment and in rural areas. The COVID-19 pandemic exacerbated these pre-existing conditions, leading to a serious setback with the loss of 49 million jobs at the height of the public health crisis.

Informality and rising unemployment favor the business model of digital platforms, which is based on precarious work²⁴. For these companies, the profit lies in the substantial productivity generated by the continuous execution of microtasks managed by algorithms, combined with the absence of social security obligations, which are shifted onto workers. Workers, on the other hand, face a reality of high economic dependence and insecurity, often masked by narratives that promote autonomy and flexibility²⁵.

Determining how many people exercise their right to work through digital platforms is a complex task, as recognized by leading international and regional organizations²⁶. In fact, there is no public information available in Latin America on the actual number of people engaged in digital platform work or the types of platforms on which they work. This information gap hinders efforts to regulate and develop public policies for this growing form of work in the region.

Although data for Latin America and the Caribbean remain limited, available ILO estimates reveal that platform work accounts for a significant share of the labor market. **For example, in Argentina, platform work accounted for approximately 1% of total employment in 2018; in Colombia, 0.9% in 2020; and in the Dominican Republic, 0.8% as of June 2020. In Brazil, the work of digital platforms is estimated to have represented 1.7% of employment registered as a primary occupation in 2022. Finally, in Chile, the estimated figure was 0.5% of total employment, according to data from the employment survey collected between 2021 and 2023²⁷.** These figures show that digital platform work is the primary economic activity for a significant number of people in the region, who enter these arrangements under the guise of self-employment and income diversification

22. Derechos Digitales (2023). Food delivery and online marketplace platforms in Latin America: An exploration using Ranking Digital Rights standards. Available at: https://www.derechosdigitales.org/wp-content/uploads/DD_RDR_2023-1.pdf

23. International Labour Organization (2024). Nuevas formas de empleo e informalidad en América Latina y el Caribe [New Forms of Work and Informality in Latin America and the Caribbean]. Available at: <https://www.ilo.org/sites/default/files/2024-12/Nota%20t%C3%A9cnica%20Nuevas%20formas%20de%20empleo%20e%20informalidad%20en%20Am%C3%A9rica%20Latina%20y%20el%20Caribe.pdf>

24. Cherry, M. A. (2026). Beyond Misclassification: The Digital Transformation of Work. Comparative Labor Law & Policy Journal. Available at: <https://ssrn.com/abstract=2734288>

25. Ibid.

26. International Labour Organization (2024). Nuevas formas de empleo e informalidad en América Latina y el Caribe [New Forms of Work and Informality in Latin America and the Caribbean]. Available at: <https://www.ilo.org/sites/default/files/2024-12/Nota%20t%C3%A9cnica%20Nuevas%20formas%20de%20empleo%20e%20informalidad%20en%20Am%C3%A9rica%20Latina%20y%20el%20Caribe.pdf>

27. Ibid.

but, in practice, come to rely on platform work as their sole means of economic support, without guarantees of job stability, minimum wages, or basic forms of social protection, such as healthcare and pensions.



3

Regulatory analysis

Regulatory analysis

Background

Various factors have contributed to the advancement of specific regulations governing digital platform work in Latin America. The following section examines one of these factors: the struggles and achievements of social and trade union organizations representing platform workers in the region, which, in many cases, paved the way for current regulations.

The right to freedom of association and trade union organizing has been a long-standing and structural struggle in the world of work²⁸. In the specific context of digital platform work, transformations in the nature of labor relations have affected the exercise of freedom of association and the right to organize. Employment through platforms and the digitalization of work undoubtedly add new layers of complexity to a landscape already marked by informality, inequality, and low wages²⁹. Within this context, both the concept of work and forms of trade union organization have had to be redefined to incorporate new actors, working conditions, and risk factors, such as algorithmic management and the purported autonomy associated with these forms of work. These issues have become increasingly integrated into workers' struggles around the world³⁰.

As a result, unconventional forms of resistance have developed, helping to build collective representation and a collective voice for digital platform workers³¹. In

28. For more information, See: The Universal Declaration of Human Rights (Article 23(4)), the International Covenant on Civil and Political Rights (ICCPR) (Article 22(1)), and the ILO Declaration on Fundamental Principles and Rights at Work provide the basis for the recognition of the right to freedom of association. At the regional level, the Charter of the Organization of American States (Article 45), the American Declaration of the Rights and Duties of Man (Article 22), and the Protocol of San Salvador (Article 8) also recognize this right.

29. Scasserra, S. y Oliveira de Souza, M. (2024). Freedom Of Association Of Workers From A Global South Perspective: In Search Of A Collective Approach In The Digitized Work Environment. Available at: <https://www.global-solutions-initiative.org/publication/freedom-of-association-of-workers-from-a-global-south-perspective-in-search-of-a-collective-approach-in-the-digitized-work-environment/>

30. Ramírez-Bustamante, N. et al. (2021) ¿Son trabajadores o contratistas independientes? Balance jurisprudencial del trabajo en plataformas [Workers or Independent Contractors? A Case Law Review of Platform Work]. Borradores de Trabajo y Derecho No. 1, Universidad de los Andes. Available at: <https://repositorio.uniandes.edu.co/server/api/core/bitstreams/046a54d8-2921-4f95-afc3-c3c36adc5244/content>

31. Hidalgo, K. y Salazar, C. (2020). Precarización laboral en plataformas digitales. Una lectura desde América Latina [Labor Precarity in Digital Platform Work: A Latin American Perspective]. Available at: <https://library.fes.de/pdf-files/bueros/quito/17108.pdf>

response to the fragmentation inherent in platform work³², collective and trade union action has reinvented itself, incorporating digital channels to foster solidarity and defend workers' rights.

Despite geographic dispersion, limited interaction among workers, and the individualized nature of platform-based tasks, new forms of resistance have emerged through the internet and social media. These spaces serve not only to share knowledge about how platforms operate, but also to coordinate collective actions such as organized log-offs (by uninstalling apps and refusing orders), strikes, and urban protests aimed at pressuring and overwhelming platform intermediation systems³³.

In Latin America, the COVID-19 pandemic sharply exacerbated labor precarity and the risks faced by people whose livelihoods depend on digital platform work³⁴. This situation prompted thousands of workers to speak out against the unfair conditions embedded in the business model of the so-called platform economy³⁵. In April 2020, at the height of the pandemic, large-scale protests were coordinated online across several countries in the region, with delivery workers playing a particularly visible role. Their contribution was especially significant, as they played a critical role in maintaining access to essential goods, such as food and medicine, during the crisis³⁶. The protests intensified in July of that same year, with large-scale mobilizations taking place across 10 Brazilian cities and in other countries in the region, including Colombia, Ecuador, Peru, Argentina, Chile, and Mexico.

These mobilizations marked a milestone, as they were among examples of collective organizing by digital platform workers on a global scale³⁷. Their reach and scale were remarkable³⁸, as they were coordinated across multiple countries around shared demands. In this context, the mobilizations placed major location-based platform companies at the center of workers' demands. As the literature on the subject highlights, cross-border trade union action is crucial in the context of the platform economy, since these companies tend to strategically position themselves as transnational and geographically dispersed, in part to evade local regulation and accountability³⁹.

32. Yao, Z., et al. (2021). Together but alone: Atomization and peer support among gig workers. *Proceedings of the ACM on Human-Computer Interaction*, 5(CSCW2), 1-29. Available at: <https://kraut.hciresearch.info/wp-content/uploads/zheng21-TogetherAloneGigworkersSupport.pdf>

33. CUT, UNIDAPP, Solidarity Center, Redal, Defens and Viva La Ciudadanía (2023). *Lo digital no quita los derechos laborales. Un diagnóstico de las condiciones de trabajo y de los derechos en las plataformas digitales* [Digitalization does not take away labor rights. An assessment of working conditions and rights on digital platforms]. Available at: <https://reformassociales.com/wp-content/uploads/2023/06/Lo-digital-no-quita-los-derechos-laborales-WEB.pdf>

34. Howson, K., et al. (2022). Sin máscara: Las condiciones laborales en las plataformas digitales de trabajo durante la pandemia de COVID-19. *Revista internacional del trabajo*. Available at: <https://doi.org/10.1111/ilrs.12249>

35. Hidalgo, K. y Salazar, C. (2020). Precarización laboral en plataformas digitales. Una lectura desde América Latina. Available at: <https://library.fes.de/pdf-files/bueros/quito/17108.pdf>

36. Suárez-Morales, Z. B., Hernández Díaz, M. R., Mantilla-León, L. C., & Agudelo-Londoño, S. M. (2025). Digital Work in Times of COVID-19 Pandemic, the Case of Delivery Riders in Bogotá: I'd Rather Work with COVID than Starve. *Gerencia y Políticas de Salud*, 24. Available at: <https://doi.org/10.11144/Javeriana.rgps24.dwtc>

37. Howson, K., et al. (2022). Stripping back the mask: Working conditions on digital labour platforms during the COVID-19 pandemic. *International Labour Review*. Available at: <https://pubmed.ncbi.nlm.nih.gov/34548681/>

38. Ibid.

39. Katta, S., Badger, A., Graham, M., Howson, K., Ustek-Spilda, F., y Bertolini, A. (2020). (Dis) embeddedness and (de) commodification: COVID-19, Uber, and the unravelling logics of the gig economy. *Dialogues in Human Geography*. Available at: <https://journals.sagepub.com/doi/10.1177/2043820620934942>

These collective actions, along with others that took place between 2018 and 2019, paved the way for the creation of the first unions for digital platform workers in Latin America. In 2017, the Cornershop workers' union was established in Chile⁴⁰. In 2018, the Association of Platform Workers (APP) was created in Argentina⁴¹; that same year, the Single Union of Delivery Workers (SINUREP) was formed in Uruguay⁴², backed by the Uruguayan Federation of Commerce and Services Employees (FUECYS). In 2020, the National Movement of Digital Platform Delivery Workers was formed in Colombia, followed by the consolidation of the Platform Workers' Union (UNIDAPP)⁴³. In 2021, the Front of Digital Platform Workers of Ecuador (FRENAPP) was established, and that same year, the National Union of App-Based and Delivery Workers of Mexico (UNTA) was founded.

These unions have channeled platform workers' concerns, experiences, and everyday challenges into concrete labor demands. Over time, the scope of their demands expanded, targeting not only platform companies but also state, local, and national authorities. As a result, trade union organizing and collective struggle have increasingly established themselves as a fundamental pillar in advancing regulations governing platform work in Latin America and around the world. Indeed, tripartite negotiation processes—some driven by collectives of digital platform workers⁴⁴—helped lay the groundwork for legislative reforms that have emerged across countries in the region in recent years.

Analysis of existing laws regulating platform work in Latin America

As noted earlier, in the global and regional context of the accelerating digitalization of work, the growth of the platform economy has unfolded alongside processes of increasing labor precarization. The expansion of forms of work mediated by platforms and opaque algorithms—characterized by high levels of informality, income instability, and the erosion of collective rights—has highlighted the challenges traditional labor regulatory frameworks face in providing an adequate response to this new form of work.

40. CornerShop was a Chilean app that facilitated shopping at supermarkets and various other stores; it operated from 2015 to 2023. In 2021, it was acquired in its entirety by Uber, which discontinued the service in 2023, replacing it with UberEats. For more information, see: <https://www.latercera.com/tendencias/noticia/cornershop-lle-go-a-su-fin-que-otras-aplicaciones-de-delivery-puedes-utilizar-para-comprar/LUTMMFN3NBF6LCAKB76FLAZ3V/>

41. For more information, see: <https://www.laizquierdadiario.com/Nace-APP-un-sindicato-para-los-trabajadores-de-plataformas>

42. González, A. (2021). Identidad, organización y acción colectiva. El caso de los trabajadores de delivery en Uruguay [Identity, Organization, and Collective Action: The Case of Delivery Workers in Uruguay]. Universidad de la República (UDELAR). Available at: <https://www.colibri.udelar.edu.uy/jspui/handle/20.500.12008/29166>

43. CUT, UNIDAPP, Solidarity Center, Redal, Defens y Viva La Ciudadanía (2023). Lo digital no quita los derechos laborales. Un diagnóstico de las condiciones de trabajo y de los derechos en las plataformas digitales [Digitalization does not take away labor rights. An assessment of working conditions and rights on digital platforms]. Available at: <https://reformassociales.com/wp-content/uploads/2023/06/Lo-digital-no-quita-los-derechos-laborales-WEB.pdf>

44. For more information, see: <https://latamgremial.com/mexico-sindicatos-celebran-avance-historico-en-la-reforma-del-trabajo-por-plataformas-pero-advierten-riesgos-en-su-implementacion/>; <https://ladiaria.com.uy/opinion/articulo/2025/8/reivindicaciones-historia-y-desafios-del-trabajo-en-plataformas/>; <https://www.derechosdigitales.org/recursos/la-reforma-laboral-de-colombia-y-el-trabajo-por-plataformas-digitales-ecos-de-luchas-previas-y-desafios-que-persisten/>; <https://www.biobiochile.cl/noticias/economia/negocios-y-empresas/2025/03/25/tras-acusacion-de-la-cut-direccion-del-trabajo-despliega-fiscalizacion-nacional-a-apps-de-delivery.shtml>

While existing labor rights and general principles of labor protection should apply equally to platform-mediated work, their effectiveness is challenged by the specificities of the digital environment. Against this backdrop, compounded by regional unevenness in data protection regulations⁴⁵, various countries began adopting specific regulations to strengthen existing regulatory frameworks, recognize workers' rights, and establish minimum standards of protection, while dealing with the specific dynamics of platform work, particularly location-based work.

This regulatory trend did not originate in Latin America; rather, it has significant precedents in other jurisdictions. One such precedent was the enactment of California Assembly Bill No. 5 (AB5) in 2019, which strengthened the presumption of an employment relationship and expanded access to basic labor protections for workers classified as independent contractors⁴⁶. Subsequently, in Europe, Spain adopted the so-called "Rider Law" (Royal Decree-Law 9/2021) in 2021, which, among other measures, established a presumption of employment status for platform delivery workers and recognized the right of union representatives to access information about the algorithms that affect their working conditions⁴⁷.

Beginning in 2022, these discussions began to yield concrete regulations in Latin America as well, with Chile becoming the first country in the region to pass a law specifically addressing platform work. Since then, and up until the end of this research, four regulations have been passed in the region—in Mexico, Uruguay, and Colombia (in addition to Chile)—each with different approaches and levels of protection, all of them focused on location-based platform work. At the same time, legislative processes and debates are underway in other countries, including Argentina⁴⁸, Brasil⁴⁹, Costa Rica⁵⁰,

45. <https://www.derechosdigitales.org/recursos/proteccion-de-datos-en-america-latina-avances-tensiones-y-desafios-pendientes/>

46. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4316719

47. <https://en.ilr-rit.org/article/pubid/23799/>

48. Between 2019 and January 2026, nearly 28 bills aimed at regulating digital platform work were introduced in Argentina. Notable initiatives include Senate Bill No. 532/23, which creates a specific legal category for platform workers with access to social security, occupational risk insurance, and greater transparency in algorithmic task allocation, and Chamber of Deputies Bill No. 1369/24, which places this type of work within the general framework of the Employment Contract Law, thereby recognizing the existence of an employment relationship. However, these proposals did not advance beyond committee discussions and ultimately lapsed due to the lack of political consensus and resistance from the business sector. In parallel, in 2022 the Ministry of Labour drafted a preliminary bill establishing a statute for on-demand digital platform workers, aimed at setting minimum labor rights for the sector. The draft included the mandatory registration of platforms, accident insurance coverage, the right to trade union representation, and limits on arbitrary deactivations. Although it was presented in social dialogue forums, the draft bill was ultimately not submitted to Congress.

In December 2025, the executive branch introduced a labor reform bill establishing a "Regime for Private Passenger Mobility and/or Delivery Services Using Technological Platforms," under which digital platform workers are classified as independent workers. The proposed reform has been questioned, criticized, and rejected by organizations and collectives representing platform workers.

49. Between 2020 and January 2026, nearly 35 bills aimed at regulating digital platform work were introduced in Brazil. In 2024, the federal government attempted to advance a bill (PLP 12/2024) amending labor legislation to regulate the rights of ride-hailing drivers. The bill, which resulted from a prior tripartite negotiation process involving the government, companies, and workers' representatives, was submitted to Congress in February of that year and sought to strengthen rights related to minimum earnings, collective bargaining, employer social security contributions, and maternity leave. Delivery platforms were not included in the proposal due to the lack of consensus regarding the issue of subordination in that sector. In 2025, Bill No. 5547/2025 was introduced to establish the National Statute for App-Based and Digital Economy Workers (ENTAED), including provisions on algorithmic transparency, personal data protection, occupational safety, and social protection for digital platform workers. Unlike the prevailing legislative trend in the country, which has focused on regulating delivery and transportation platforms separately, this bill adopts a broader understanding of the platform economy that would provide stronger protections for workers in the sector.

50. Between 2019 and January 2026, seven bills aimed at regulating digital platform work were introduced in Costa Rica. Four proposals remain under consideration, focusing on guaranteeing labor rights for workers in the delivery and private transportation sectors. In 2024, a bill (Legislative File No. 24,500) was introduced to amend the Labor Code to recognize the existence of an individual employment contract for workers providing delivery services through digital platforms.

Ecuador⁵¹, Panamá⁵², Paraguay⁵³, Perú⁵⁴ and the Dominican Republic⁵⁵ (see table below).

This section examines the laws already enacted in Latin America, describing their main features and analyzing both their points of convergence and areas of tension in order to identify regional regulatory trends. This analysis places particular emphasis on personal data protection, the transparency and explainability of algorithmic work management systems, and safeguards against discriminatory practices, particularly those mediated by automated decision-making technologies.

51. Between 2021 and 2024, the Ecuadorian legislature discussed approximately three legislative proposals aimed at protecting digital platform workers. The first initiative recognized the existence of an employment relationship and incorporated the sector into the social security system. A second proposal, introduced in 2022, regulated working hours, working conditions, contracts, tax domicile requirements, and algorithmic transparency. The Right to Work Commission of Ecuador's National Assembly reviewed both initiatives alongside other proposals concerning direct sales and self-employment, recommending their consolidation and ultimately proposing a specific regulatory framework for platform work. The consolidated bill included key provisions such as mandatory social security affiliation, the provision of protective equipment, requirements for maintaining a physical office, access to transparent information regarding algorithmic systems, protection against harassment, and dispute resolution mechanisms. However, the process ultimately stalled. Although the bill reached a second reading, neither the transitional legislature (2023–2025) nor the current legislature (2025–2029) included it on their legislative agenda.

52. In 2025, Panama's Directorate for Citizen Participation introduced a bill to establish a registry of workers engaged in app-based delivery services. The registry would operate under the supervision of the Ministry of Labor and Workforce Development and is intended to ensure labor protection and tax oversight.

53. Between 2019 and January 2026, approximately seven bills aimed at regulating digital platform work were introduced in Paraguay. These initiatives have primarily focused on the delivery and private transportation sectors. In 2025, the Senate introduced a bill (Legislative File No. S-2503076) aimed at establishing a safe and consistent regulatory framework for these forms of work nationwide. The bill includes provisions on transparency in the use of personal data, the establishment of a mandatory registry for digital platform workers, the prohibition of discrimination, and the creation of grievance mechanisms.

54. In Peru, approximately five bills have been introduced to regulate digital platform work. As a general trend, these proposals have focused on ensuring the safety of platform users, for example by reclassifying transportation companies as public taxi service providers and requiring specific licenses and other requirements associated with traditional public transportation. In 2019, Congress introduced a bill aimed at regulating platform work from a decent work perspective, including provisions related to the right to an employment contract, occupational safety and social protection, transparency and access to information, and the right to organize, among others. As of January 2026, the bill remains under consideration by the Labor and Social Security Commission.

55. In 2025, the Senate of the Dominican Republic introduced a bill (No. 00882-2025-PLO-SE) aimed specifically at regulating digital platform work in the transportation sector. The initiative will be examined by a Special Committee tasked with considering the creation of a standalone law, separate from the new Labor Code proposed by the executive branch in the same year.

Legislation regulating location-based platform work in Latin America and the Caribbean				
Country	Draft bills to date	No.	Laws in force	Title
Chile	N/A	N/A	Yes	Law 21431 amends the Labor Code to regulate the employment contracts for workers of digital service platform companies.
Colombia	N/A	N/A	Yes	Law No. 466 of 2025, partially amending labor regulations and adopting a Labor Reform for decent and dignified Work in Colombia.
Mexico	N/A	N/A	Yes	DECREE amending the Federal Labor Law to incorporate provisions on digital platforms.
Uruguay	N/A	N/A	Yes	Law No. 20,396 establishing minimum levels of protection for workers performing tasks through digital platforms, while ensuring fair, decent, and safe working conditions.
Argentina	Yes	28	No	N/A
Bolivia	Yes	1* (*Archived)	No	N/A
Brasil	Yes	35	No	N/A
Costa Rica	Yes	7	No	N/A
Cuba	No	N/A	No	N/A
Ecuador	Yes	3	No	N/A
El Salvador	No	N/A	No	N/A
Nicaragua	No	N/A	No	N/A
Honduras	No	N/A	No	N/A
Panamá	Yes	1	No	N/A
Paraguay	Yes	7	No	N/A
Peru	Yes	5	No	N/A
Dominican Republic	Yes	1	No	N/A
Venezuela	No	N/A	No	N/A

Chile

In 2022, the enactment of Law No. 21,431 made Chile the first country in Latin America to introduce a specific regulatory framework for digital platform work. Prior to the law, the Ministry of Labor and Social Security had maintained that the employment status of these working relationships should be determined on a case-by-case basis by the courts, leading to increased litigation over their legal classification in both administrative and judicial proceedings. In that context, various court rulings began to recognize the existence of subordination and dependency in work activities mediated by digital platforms, helping to set the stage for the legislative initiative⁵⁶.

The legislative debate lasted more than two years⁵⁷, with advocacy efforts by various actors, including the Central Unitaria de Trabajadores y Trabajadoras de Chile (CUT). The result was the establishment of a legal framework that incorporates digital platform work into labor law while maintaining a binary distinction between dependent and independent workers, based on traditional criteria already established in the local Labor Code, particularly those related to subordination. A three-year compliance period was established for companies whose workers in Chile represented less than 15% of their total workforce⁵⁸ -a provision of particular relevance given the strong presence of transnational platform companies-. For all other companies, the compliance period was set at six months.

Law No. 21,431 introduces a new chapter into the Labor Code entitled “Work Through Digital Service Platforms.” It establishes a set of common and differentiated guarantees depending on whether workers are classified as dependent or independent. While provisions relating to matters such as remuneration, the content and termination of employment contracts, protection against occupational risks, and other rights such as maternity protection depend on the contractual relationship in question, the rules governing personal data protection, algorithmic management, and algorithmic transparency apply across all categories of platform work.

The law recognizes that both dependent and independent workers are subject to “computer systems or technologies executable through applications on mobile or fixed devices,”⁵⁹ noting that these systems are the ones “that enable a digital platform worker to provide services to users of such systems within a specific geographic area,”⁶⁰ thereby limiting the scope of application to location-based work.

56. GARCÍA, J. L.; SIMONET, R. A. 2022. Análisis crítico de la regulación del trabajo en plataformas en Chile, introducida al Código del Trabajo por la Ley No. 21.431 [A Critical Analysis of the Regulation of Platform Work in Chile Introduced into the Labor Code by Law No. 21.431]. <https://revistajuridicadeltrabajo.com/index.php/rjt/article/view/126>

57. The bill that gave rise to Law No. 21.431 was introduced through a senators’ motion by Manuel José Ossandón Irarrázabal, Carolina Goic Boroevic, Juan Pablo Letelier Morel, and David Sandoval Plaza on May 13, 2020.

58. Chile. Law No. 21.431, Transitional Provisions, Article 2.

59. Chile. Law No. 21.431, Article 152 quater Q(a).

60. Ibid.

In this regard, it stipulates that “the worker’s data is strictly confidential and may only be used by the digital service platform company in the context of the services it provides”⁶¹. Additionally, it recognizes workers’ right to access the personal data that platforms hold about them, particularly data related to evaluations that affect their work performance⁶².

Another important feature of the legislation is the prohibition of discrimination through automated decision-making mechanisms. The law requires platforms to respect the principles of equality and non-discrimination in the design and implementation of algorithms, including those that affect task assignment, incentives, compensation, or disciplinary actions. It also recognizes discrimination “as any apparently neutral conduct by an employer that disproportionately affects one or more workers”⁶³. These measures seek to prevent exclusions or preferential treatment based on factors unrelated to workers’ ability or suitability to perform their duties, such as their platform rating or status, trade union membership, political opinion, or nationality, among others. In this regard, the law provides that “digital platform service companies must inform their workers of the mechanisms and procedures they adopt to comply with this provision”⁶⁴.

The law also recognizes the right to disconnect, particularly for independent workers, by establishing a “minimum disconnect time of twelve consecutive hours within a twenty-four-hour period for independent digital platform workers”⁶⁵ and prohibiting sanctions for refusing to accept services or for deciding not to connect to the platform during certain periods. This safeguard aims to mitigate forms of indirect algorithmic control that, in practice, may compel workers to be permanently available.

For enforcement purposes, the law establishes an algorithmic transparency mechanism that enables competent authorities to request sufficient explanations from platforms about the algorithms they use, including the data on which they rely and the factors relevant to their decision-making processes. However, it does not establish an equivalent and ongoing right of access for workers⁶⁶.

Despite these advances, the Chilean regulatory framework contains structural gaps that continue to pose challenges. The first relates to the distinction between dependent and independent employment relationships. The law does not establish specific criteria for identifying subordination in relationships mediated by digital platforms; instead, it relies on the traditional distinction set forth in the Labor Code. In practice, this leaves considerable leeway for companies to unilaterally classify workers as independent contractors, shifting the burden of litigation to workers seeking recognition of their full rights⁶⁷.

61. CHILE. Law N.º 21.431, Article 152 quinquies D.

62. Ibid.

63. Chile. Law No. 21.431, Article 152 quinquies E.

64. Ibid.

65. CHILE. Ley N.º 21.431, Article 152 quater Z.

66. CHILE. Ley N.º 21.431, Article 152 quinquies D.

67. GARCÍA, J. L.; SIMONET, R. A. 2022. Análisis crítico de la regulación del trabajo en plataformas en Chile, introducida al Código del Trabajo por la Ley nro. 21.431 [Critical Analysis of the Regulation of Platform Work in Chile Introduced into the Labor Code by Law No. 21.431]. <https://revistajuridicadeltrabajo.com/index.php/rjt/article/view/126>

A second gap concerns algorithmic transparency. While the law establishes certain disclosure requirements and provides for authorities to access the code, it does not recognize an effective right for workers or their representative organizations to access and, therefore, understand the functioning of the automated systems that shape their work. This omission, in turn, limits the effective exercise of collective bargaining and restricts the scope for trade union action. Unlike earlier regulatory experiences, such as Spain's Rider Law, collective access to algorithmic information is not guaranteed.

With regard to personal data protection, the law establishes general principles applicable to the processing of workers' personal data, but it does not explicitly establish how those principles relate to Chile's general data protection framework. It is worth noting that, at the time of its enactment, Law No. 19,628 of 1999 was still in force and was already widely regarded as an outdated legal framework in light of contemporary data protection standards. However, the absence of an explicit reference to Chile's general data protection framework takes on particular significance in light of the subsequent enactment of the new General Personal Data Protection Law in 2024 (scheduled to enter into force in 2026)⁶⁸, which introduces a comprehensive, rights-based approach, strengthens the obligations of data controllers, and establishes a specialized data protection authority. Given the extensive use of personal data in digital platform work, future coordination between the two regulatory frameworks will be essential to establish applicable standards, institutional responsibilities, and effective safeguards against automated decision-making and algorithmic management practices.

Mexico

Two years after Chile, Mexico became the second Latin American country to amend its Federal Labor Law to incorporate a specific chapter on digital platform work. **The reform was enacted through the "Decree Amending Various Provisions of the Federal Labor Law Concerning Digital Platforms,"** published on December 24, 2024. It established a 180-day *vacatio legis* period⁶⁹ and entered into force in June 2025.

Since at least 2018, various parliamentary groups have introduced bills to regulate the sector, without achieving legislative consensus until the introduction of a presidential bill in October 2024⁷⁰. The legislative debate surrounding the reform was marked by disinformation campaigns led by platform companies, particularly

68. <https://www.derechosdigitales.org/recursos/2024-el-ano-en-que-la-proteccion-de-datos-nos-recordo-su-lado-politico/>

69. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, First Transitional Provision.

70. RAMÍREZ, M. A. M. 2025. Trabajo en plataformas digitales. Su regulación en México [Platform work: Its regulation in Mexico]. <https://www.revistas.unam.mx/index.php/rfdm/article/view/91771>

targeting workers, that portrayed the recognition of labor rights as incompatible with autonomy and flexibility. These narratives generated resistance among workers themselves⁷¹.

The new provisions added to the Federal Labor Law apply to “subordinate employment relationships consisting of the performance of remunerated activities that require the worker’s physical presence in order to provide the service, which are managed by a natural or legal person on behalf of third parties through a digital platform, using information and communication technologies to exercise direction and supervision over the worker”⁷². This definition, and particularly its reference to physical presence, limits the scope of the law to location-based digital platform work.

One of the central features of Mexico’s legal reform is the express recognition of an employment relationship in digital platform work. The law establishes a dual classification based on income levels: workers who generate net monthly earnings equivalent to at least one monthly minimum wage in Mexico City are deemed subordinate workers, while those who do not meet that threshold are classified as independent workers, although with partial access to labor rights during the time they are actively working⁷³.

The reform also introduces advances in algorithmic transparency and the right to information, applicable to both categories of workers. Platforms are required to “develop an algorithmic work management policy document that informs workers, using simple and clear language and avoiding the use of inaccurate, ambiguous, or vague phrases, of the elements used by algorithms for decision-making that may affect the employment relationship”⁷⁴, such as task assignment, performance evaluation, incentives, penalties, and the consequences of compliance or non-compliance with instructions. This document must be provided at the beginning of the employment relationship and updated whenever changes are made, and those changes must be communicated to and accepted by the worker.

Likewise, the regulations recognize the right to human review of decisions that significantly affect working conditions, such as the restriction, suspension, or cancellation of access to the platform. In such cases, decisions cannot be made exclusively by automated systems; rather, they must involve human intervention and include mechanisms for explanation and redress.⁷⁵ The law further provides that “the algorithm must be reasonable in its requirements and parameters, taking into account the objective conditions of the work, and must not endanger the worker’s health and safety or constitute a source of discrimination against them”⁷⁶.

71. R3D (2024). La reforma laboral para trabajadores de plataformas digitales es un gran avance, pero debe garantizar la protección de datos y la transparencia algorítmica [The Labor Reform for Platform Workers Is a Major Step Forward, but It Must Guarantee Data Protection and Algorithmic Transparency]. <https://r3d.mx/2024/12/10/la-reforma-laboral-para-trabajadores-de-plataformas-digitales-es-gran-avance-pero-debe-garantizar-la-proteccion-de-datos-y-la-transparencia-algoritmica/>

72. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-A.

73. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-C.

74. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-J.

75. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-P.

76. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-J.

This provision allows for the assessment and challenge of algorithmic mechanisms that, by design, pressure workers to meet disproportionate delivery times, expose them to dangerous routes and excessive speeds, and encourage excessively long workdays.

In terms of personal data protection, the decree requires platforms to implement mechanisms that guarantee the security of personal data and the exercise of rights of access, rectification, cancellation, objection, and portability (ARCO rights), referring to “applicable general legislation”⁷⁷. Although it does not expressly refer to Mexico’s data protection law, this reference represents a positive development in terms of legal certainty, regulatory coherence, and public policy integration.

In this regard, the law provides that one of the obligations of platform workers is to “comply with the data protection policies and mechanisms used in the performance of their activities, as well as the restrictions on their use”⁷⁸. This provision reflects an approach already present in Mexico’s 2021⁷⁹, telework regulations, aimed at protecting the personal data of customers to which workers have access in the course of providing services. It also aligns with contractual practices widespread in the sector, in which platforms impose confidentiality obligations regarding user information. It is worth noting that this provision is unusual in the context of labor law, as it imposes specific obligations on workers in an area typically structured around employers’ duties and workers’ rights.

The decree also provides that digital platform companies must adopt a gender perspective that protects workers from discrimination, workplace violence, sexual violence, harassment, and bullying in connection with their work, while also promoting the reconciliation of work with personal and family life⁸⁰.

Despite these advances, the Mexican reform faces some challenges. One of the main concerns identified is the structural limitation of the concept of working time, which overlooks waiting, connection, and on-call time, despite their centrality to the platforms’ business model. This stems from the definition of digital platform work as “primarily flexible and discontinuous, such that an employment relationship shall be deemed to exist during the time actually worked by the digital platform worker”⁸¹. This approach has been criticized from a human rights and decent work perspective, as it can perpetuate forms of underpayment and shift economic risks onto workers⁸².

77. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-K, IV.

78. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-L, VI.

79. https://www.diputados.gob.mx/LeyesBiblio/ref/lft/LFT_ref33_11ene21.pdf

80. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-R.

81. Mexico. Decree Amending Various Provisions of the Federal Labor Law Regarding Digital Platforms, Article 291-D.

82. RAMÍREZ, M. A. M. 2025. Trabajo en plataformas digitales. Su regulación en México [Platform work: Its regulation in Mexico] <https://revistas.fcu.edu.uy/index.php/cradtss/es/article/view/5884>

With regard to algorithmic management, although the law requires transparency and documentation, it does not establish clear mechanisms for independent auditing, technical oversight, or minimum standards of explainability, thereby hindering effective control over biases, errors, and discriminatory practices. Civil society organizations have warned that the absence of more robust obligations may limit the effectiveness of the right to information and human review, especially when dealing with opaque, highly complex systems⁸³.

Uruguay

In February 2025, **Uruguay enacted Law No. 20,396**, which “aims to establish minimum standards of protection for workers engaged in digital platform work, ensuring fair, decent, and safe working conditions”⁸⁴ and “**applies to all workers providing goods delivery or paid urban passenger transportation services through digital platforms**, regardless of the legal classification of their relationship with the companies that own such platforms (whether classified as dependent or autonomous work)”⁸⁵.

Unlike previously enacted laws in Latin America, Law No. 20,396 was enacted as a standalone statute that neither amends nor incorporates provisions into preexisting labor codes, but rather establishes a specific legal framework. This framework recognizes that the relationship may be classified as either employment or self-employment, depending on the arrangement’s specific characteristics.

One of the most controversial aspects of this regulatory approach is that, like the Chilean model, the law leaves the determination of the nature of the relationship to the parties, without establishing substantive criteria or providing clear interpretive guidance for its classification, despite the well-documented structural asymmetry between platforms and workers. This approach is particularly problematic given that, in Uruguay, the prevailing case law prior to the law’s enactment had consistently recognized the existence of an employment relationship between workers and digital platforms⁸⁶.

Nevertheless, the law introduces a set of important safeguards for workers in areas directly related to digital rights, including algorithmic management. In this regard, platform companies are required to “respect the principles of equality and non-discrimination in the implementation of algorithms”⁸⁷.

83. R3D (2024). La reforma laboral para trabajadores de plataformas digitales es un gran avance, pero debe garantizar la protección de datos y la transparencia algorítmica [The Labor Reform for Platform Workers Is a Major Step Forward, but It Must Guarantee Data Protection and Algorithmic Transparency]. <https://r3d.mx/2024/12/10/la-reforma-laboral-para-trabajadores-de-plataformas-digitales-es-gran-avance-pero-debe-garantizar-la-proteccion-de-datos-y-la-transparencia-algoritmica/>

84. URUGUAY. Law No. 20.396, Article 1.

85. URUGUAY. Law No. 20.396, Article 3.

86. RAMOS, J. P. Trabajo en Plataformas Digitales en Uruguay: Retos y Oportunidades para la Negociación Colectiva [Platform Work in Uruguay: Challenges and Opportunities for Collective Bargaining]. 2024. https://www.cielolaboral.com/wp-content/uploads/2024/08/perrone_noticias_cielo_n8_2024.pdf

87. URUGUAY. Law No. 20.396, Article 4.

The law further requires digital platform companies to inform workers about the existence and operation of “automated monitoring systems used to monitor, supervise, or evaluate the performance of platform workers,”⁸⁸ as well as “automated decision-making systems used to make or support decisions affecting the working conditions of platform workers, particularly with regard to access to work assignments, income, occupational safety and health, working time, promotion and contractual status, and the restriction, suspension, or termination of the account”⁸⁹.

Furthermore, the law expressly recognizes the right to receive an explanation regarding any decision made or supported by automated systems that has a significant impact on the employment relationship. This right is accompanied by the obligation of platforms to provide access to “a contact person designated by the digital platform to discuss and clarify the facts, circumstances, and reasons that led to the decision”⁹⁰.

The law also requires digital platform companies to “assess the risks posed by automated monitoring and decision-making systems to workers’ safety and health, particularly with regard to potential occupational, psychosocial, and ergonomic risks,”⁹¹ “evaluate whether the safeguards of those systems are appropriate to the identified risks,”⁹² and “implement appropriate preventive and protective measures”⁹³.

A distinctive feature of the law is its recognition of the concept of “digital reputation,” defined as “the worker’s private and portable capital”⁹⁴. In its sole provision specifically related to data protection, the law establishes that data associated with a worker’s reputation, including evaluations and ratings, belong to the worker, who has the right to access them during the relationship and for up to one year after its termination. This provision is particularly significant in an environment where reputational metrics shape access to work and future earnings, and aligns with broader standards relating to data protection and dignity at work.

The legislation expressly recognizes the right to freedom of association and collective bargaining, including for independent workers, in line with ILO Conventions Nos. 87 and 98, and recent interpretations by international supervisory bodies.

Despite the advances described above, Law No. 20,396 presents structural tensions and significant challenges to its effective implementation, including regarding the right to organize. While the law recognizes this right for independent workers, it limits the coverage of collective agreements to signatories or affiliated workers⁹⁵.

88. URUGUAY. Law No. 20.396, Article 4, A.

89. URUGUAY. Law No. 20.396, Article 4, B.

90. URUGUAY. Law No. 20.396, Article 7

91. URUGUAY. Law No. 20.396, Article 10, A.

92. URUGUAY. Law No. 20.396, Article 10, B.

93. URUGUAY. Law No. 20.396, Article 10, C.

94. URUGUAY. Law No. 20.396, Article 8.

95. RAMOS, J. P. Trabajo en Plataformas Digitales en Uruguay: Retos y Oportunidades para la Negociación Colectiva [Platform Work in Uruguay: Challenges and Opportunities for Collective Bargaining]. 2024. https://www.cielolaboral.com/wp-content/uploads/2024/08/perrone_noticias_cielo_n8_2024.pdf

Another crucial challenge concerns the central role of party autonomy in shaping the nature of the working relationship. By allowing the classification of work as dependent or independent to depend, to a large extent, on the parties' agreement, the law risks reproducing situations of false self-employment, particularly in a context of a significant power imbalance between platforms and workers⁹⁶.

From a data protection perspective, the Uruguayan model does not include specific measures for platform work, nor does it explicitly reference the general data protection framework. In Uruguay, personal data protection is primarily regulated by Law No. 18,331 of 2008, which recognizes this right as a fundamental right and establishes general obligations for the processing of personal data, under the supervision of the Personal Data Regulatory and Control Unit.

Finally, several key aspects of Law No. 20,396 were left to subsequent regulation, particularly those related to enforcement procedures, the provision of work equipment, and the definition of welfare services. In July 2025, the Executive Branch issued Decree No. 145/2025⁹⁷, which partially implements the law and, among other matters, provides further detail on payment mechanisms and on working-hour limits for both dependent and independent workers. However, important questions remain regarding key aspects of the legislation and its practical implementation, such as the operational criteria for algorithmic oversight, the conditions for accessing and using platform-collected data, and the development of specific safeguards against automated decision-making.

Colombia

In June 2025, Colombia enacted Law 2466, introducing a broad **labor reform that incorporates into the Substantive Labor Code, among other matters, specific provisions regarding digital platform work, limited to the delivery services sector**. This decision to limit the regulatory scope to a specific economic sector is explained, in part, by the structural importance of delivery platforms in the Colombian labor market, particularly the central role of Rappi, a company founded in Colombia that has become a dominant player across the region.

As in other countries in the region, the period leading up to the reform was marked by high levels of informality, a lack of specific regulations, and numerous judicial and administrative disputes over the legal classification of employment relationships, social security coverage, and algorithmic labor management. In Colombia's case, however, these tensions gained particular prominence in a context where the sector's leading platform originated and operated from the country.

The reform was preceded by years of trade union organizing and collective action by delivery platform workers. In particular, the labor reform emerged from a sustained participatory process that included informal negotiation forums

96. Ibid.

97. Available at: <https://www.impo.com.uy/bases/decretos/145-2025>

involving the government, platform companies represented by the industry association Alianza In, platform worker unions (Unidapp and Asdiapp), academics, and civil society organizations⁹⁸.

Colombian law recognizes the category of digital workers in delivery services, stipulating that they may be linked to platforms either through a dependent and subordinate employment relationship or an independent and autonomous arrangement, depending on the specific characteristics of the relationship. On this point, the law expressly reaffirms the principle of the primacy of reality, allowing challenges to situations of false self-employment when the facts demonstrate subordination⁹⁹. Independent workers are guaranteed certain rights, including the right to rest¹⁰⁰.

Thus, as in Chile and Uruguay, Colombian law leaves the parties considerable leeway to define the nature of the working relationship, even suggesting that the platform itself should inform the worker of the applicable contractual arrangement. This provision perpetuates the fiction of worker autonomy and reinforces the power imbalances between workers and platform companies.

In terms of algorithmic management, the reform introduces a set of significant provisions requiring platforms to inform all workers about “the automated monitoring systems used to track, supervise, or evaluate the performance of services provided by digital delivery workers”¹⁰¹ and “the automated systems used to make or support decisions affecting the working conditions of digital delivery workers, particularly their access to orders, earnings, occupational safety and health during service provision, effective working time, promotion opportunities, and contractual status, including the restriction, suspension, or termination of their account on the digital delivery platform”¹⁰².

The information must be provided in a clear and understandable document, and workers have the right to request a “human review of any decision made or supported by an automated system that affects their working conditions.”¹⁰³ Companies are also required to monitor and evaluate “on a regular basis the impact that individual decisions made or supported by automated monitoring and decision-making systems have on working conditions”¹⁰⁴.

With regard to personal data protection, the law establishes that digital platform companies may process workers’ personal data only for purposes previously authorized, requiring that such authorization be provided in a concise, transparent, and understandable manner¹⁰⁵. In addition, platforms are required to establish a

98. MANTILLA-LEÓN. L. 2025. La reforma laboral de Colombia y el trabajo por plataformas digitales: ecos de luchas previas y desafíos que persisten [Colombia’s labor reform and platform work: echoes of earlier struggles and persistent challenges]. <https://www.derechosdigitales.org/recursos/la-reforma-laboral-de-colombia-y-el-trabajo-por-plataformas-digitales-ecos-de-luchas-previas-y-desafios-que-persisten/>

99. COLOMBIA. Law 2466, Article 25.

100. Ibid

101. COLOMBIA. Law 2466, Article 29, a.

102. COLOMBIA. Law 2466, Article 29, b.

103. COLOMBIA. Law 2466, Article 30.

104. Ibid.

105. COLOMBIA. Law 2466, Article 29.

“full identity verification mechanism that allows for the identification of delivery workers, specifies the type of working arrangement under which they provide services, and maintains a record of the applicable terms and conditions”¹⁰⁶. This identification establishes the framework governing the working relationship and, consequently, determines the rights to which workers are entitled depending on their classification as dependent or independent workers. However, since the law does not specify what data will be used for this verification, questions remain about how this mechanism will operate and how the collected information will be protected.

As for the principle of non-discrimination, while the elimination of all forms of discrimination and violence in the workplace is established as a general principle of the reform (rather than one specific to digital platform work)¹⁰⁷, and a dedicated chapter on measures to eliminate violence, harassment, and discrimination in the world of work¹⁰⁸, is included, the provisions applicable to digital delivery platforms focus primarily on the prohibition of direct discrimination¹⁰⁹, that is, practices involving explicit differential treatment or adverse decisions based on prohibited or unjustified grounds. However, the law does not expressly address algorithmic discrimination, nor does it establish specific obligations to prevent or detect biases arising from automated decision-making systems. This leaves a significant area of uncertainty in a context where work is extensively managed through algorithms.

Despite the advances described above, the Colombian regulatory framework contains structural limitations that constrain its scope. The first is its sector-specific and restricted nature, as it applies exclusively to delivery services, thereby excluding other significant forms of digital platform work and fragmenting the regulatory approach¹¹⁰.

As regards algorithmic management, while the law establishes disclosure obligations and recognizes the right to human review, it does not define minimum technical standards or mechanisms for independent auditing, which may hinder the effective verification of discriminatory practices, algorithmic biases, or forms of indirect control over work. The effectiveness of these safeguards depends largely on subsequent regulatory development and on the institutional capacity to oversee highly complex systems¹¹¹.

106. COLOMBIA. Law 2466, Article 26.

107. COLOMBIA. Law 2466, Article 4°.

108. COLOMBIA. Law 2466, Chapter III.

109. COLOMBIA. Law 2466, Article 30: “(...) Digital delivery platform companies shall implement non-discrimination policies. Likewise, their terms and conditions of use may under no circumstances discriminate on the grounds of health status, sex, sexual orientation, gender identity, religious or political beliefs, nationality, trade union membership, or any other characteristic that may hinder the right to work.”.

110. MANTILLA-LEÓN. L. 2025. La reforma laboral de Colombia y el trabajo por plataformas digitales: ecos de luchas previas y desafíos que persisten [Colombia's labor reform and platform work: echoes of earlier struggles and persistent challenges] <https://www.derechosdigitales.org/recursos/la-reforma-laboral-de-colombia-y-el-trabajo-por-plataformas-digitales-ecos-de-luchas-previas-y-desafios-que-persisten/>

111. Ibid.

Another significant challenge concerns the implementation of the mandatory platform registration system by the Ministry of Labor, intended to serve as a key tool for enforcement and public policy design. While this mechanism can improve the availability of information about the sector, its actual impact will depend not only on the quality, completeness, and accuracy of the reported data, but also on its proper integration with labor inspection functions.

There is also a need to establish clear safeguards regarding information security, access control, and data use to prevent misuse and avoid the creation of intensive surveillance mechanisms targeting workers. This challenge is compounded by the fact that the law provides only limited safeguards for the protection of personal data and does not explicitly link it to the general data protection framework in force, leaving unresolved key issues regarding the purpose, retention, and circulation of information collected through the registry.

Finally, the law includes a provision regarding its implementing regulations and entry into force, stipulating that the measures will take effect 12 months after those regulations are adopted. Since the implementing regulations have not yet been issued, the key provisions of the reform regarding platform work remain on hold, leaving workers in a state of continued vulnerability.



4

Regional trends

Regional trends

Drawing on analyses of digital platform work laws enacted in Chile, Mexico, Uruguay, and Colombia, this section identifies and examines a set of regional regulatory trends that emerge across these legal frameworks. Its purpose is to identify common patterns, points of convergence, and structural tensions in how States have sought to address the challenges posed by digital platform work.

The analysis is organized around four broad trends: (1) the recognition of an employment relationship and its limitations; (2) the recognition of platform workers' rights in the digital environment; (3) approaches to intersectionality and discrimination, particularly in the context of algorithmic management; and (4) the implications and challenges associated with the implementation of the measures adopted.

1. Recognition of an employment relationship and its limitations

The Latin American regulations on digital platform work analyzed in this study share a common feature: they recognize, whether implicitly or explicitly, the central role of platform companies in organizing work, yet do so without dismantling the structural asymmetries that underlie these relationships. This is particularly reflected in the establishment of a contractual model in which platforms determine the form of employment and, thereby, the protections available to workers.

The main advance lies in recognizing an employment relationship, which imposes concrete obligations on platform companies as employers and challenges the notion that platform workers are, in fact, independent entrepreneurs. This recognition is consistent with numerous judicial decisions that had already identified the existence of an employment relationship in this sector. However, the regulatory models adopted in most countries maintain a structure that offers workers little or no real bargaining power regarding the form of engagement. As a result, it tends to normalize a system of power and opacity that continues to shift part of the risks and burdens of work onto workers. In other words, these regulations establish minimum standards of protection and recognize new rights, but they do so without substantially altering the underlying structure of the platforms' business model. As a result, **they fail to structurally reverse the dynamics of precarization affecting workers in the sector.** This tension runs consistently through the various national regulatory frameworks.

In most of the frameworks analyzed (Chile, Uruguay, and Colombia), the determination of whether the relationship is dependent or independent (or self-employed) is presented as the result of an agreement between "the parties," or as a case-by-case assessment based on traditional labor law criteria. This approach fails to explicitly

acknowledge the asymmetries of power, information, and bargaining capacity that characterize digital platform work.

Although some laws include safeguards—such as the Colombian law, which emphasizes the principle of the primacy of reality—in practice, the regulatory framework leaves considerable room for platforms to unilaterally classify workers as independent, without any real possibility of negotiation. This allows them to avoid providing protections afforded to dependent workers under labor law, such as social security coverage and maternity leave. The Mexican case is a partial exception, as it introduces an objective criterion based on income level. Even there, however, the coexistence of different worker categories and the restrictive definition of working time make it difficult to classify the relationship as one of employment.

2. Recognition of rights

A second area of convergence among the regulations examined is the gradual recognition of the rights of digital platform workers. In contrast to a previous situation characterized by uncertainty regarding the employment relationships involved, the laws analyzed recognize the existence of an employment relationship and introduce specific safeguards in areas such as algorithmic transparency, data protection, human review of automated decisions, rest periods, and freedom of association. **These developments represent a significant break with the corporate self-regulation paradigm that prevailed during the initial expansion of platforms in the region.**

A. TRANSPARENCY AND ALGORITHMIC EXPLAINABILITY AS EMERGING RIGHTS IN THE DIGITAL ENVIRONMENT

In this regard, **a significant step forward is the recognition of the right to information regarding the use of automated systems in the management of platform work.** Broadly speaking, the laws analyzed establish that workers must be informed about the algorithmic criteria that influence task assignment, income determination, performance evaluation, or the imposition of sanctions. In some cases, such as Mexico, this obligation takes the form of a requirement to provide specific algorithmic management policy documents written in clear, accessible language. Similarly, in Uruguay, this information must also be provided in written form to workers, as well as to labor authorities upon request.

It is essential to monitor how these safeguards will be implemented and interpreted by the courts over time, given their limited scope. The required transparency is often restricted to general descriptions of criteria and variables, without ensuring a level of explainability that would allow for a meaningful understanding of how automated systems operate or their actual impact on working conditions. None of the laws analyzed explicitly recognizes the right to

access source code. Unlike the Spanish Rider Law, which grants this access to trade union representatives, some laws—such as Uruguay’s—explicitly exclude it. Although the right to receive explanations regarding algorithmic decisions is recognized, the absence of independent audit mechanisms makes it difficult to verify biases and errors and to understand the systematic practices of algorithmic management.

B. HUMAN OVERSIGHT AND REVIEW OF AUTOMATED DECISIONS

Beyond algorithmic transparency, **most of the regulatory frameworks analyzed also recognize the right to request human review of automated decisions that affect working conditions, such as account suspensions, blocks, or deactivations.** This recognition is particularly significant in contexts of intensive algorithmic management, as it provides a safeguard against decisions made solely through automated processes. However, this approach is not uniform across the regulations analyzed. Chilean legislation provides a notable counterexample: although it recognizes algorithmic transparency obligations and mechanisms for state oversight, it does not expressly establish a right to human oversight or review of automated decisions that directly affect the employment relationship.

The importance of human oversight and review lies in their potential to introduce standards of reasonableness, proportionality, and context into decisions that would otherwise be made in a standardized, opaque, and potentially discriminatory manner. However, the effectiveness of this right, as provided for in Latin American laws, is limited by the lack of clear operational definitions. In general, the laws do not specify maximum timeframes for review, independence requirements for reviewers, or mechanisms for external oversight of these processes. In the absence of such safeguards, human review risks becoming a merely formal procedure, with little real capacity to correct unfair or arbitrary decisions made by algorithmic systems.

C. PERSONAL DATA PROTECTION

All of the regulations analyzed include references to personal data protection, particularly the right of access to personal data. Chile, Mexico, and Uruguay also recognize workers’ right to data portability, although they do not clearly define the mechanisms for exercising this right or link it to interoperability obligations, even though the two are complementary and essential to ensuring effective data portability.

These data protection provisions are particularly relevant in a context of data-driven and intensive management of work, in which reputational assessments, performance records, and other personal data shape access to work opportunities and income. From this perspective, the incorporation of these safeguards into the regulations analyzed represents a positive development for the protection of

workers' rights. However, the lack of more explicit procedural provisions regarding their implementation and the way these regulations interact with the general personal data protection laws in force in each country creates uncertainty about the available mechanisms for protection and redress. In this regard, significant gaps remain that hinder the development of a comprehensive and coherent protection system.

D. RIGHT TO DISCONNECT

The right to disconnect and rest is a central issue in digital platform work, given the constant pressure to remain available, log in at specific times, or accept requests to avoid being penalized. **This right is incorporated into the laws analyzed only to a limited extent, with varying scope.**

In Chile, for example, independent workers are expressly guaranteed a minimum of twelve consecutive hours of daily disconnection, along with a prohibition on penalties for being offline. Mexico, in turn, sets limits on weekly working hours within a single platform and recognizes the right to rest.

On the other hand, none of the regulatory frameworks analyzed clearly and comprehensively recognize waiting time, connection time, or availability as working time, despite their centrality to the platform work model. In particular, the restrictive definition of working time in Mexican law (understood as time actively spent performing work rather than time spent online or on standby within the platform) renders invisible the periods during which workers remain available to the system but do not receive tasks. In the other countries, these periods remain unregulated. This omission reproduces forms of structural undercompensation, shifts the economic risks associated with demand fluctuations onto workers, and contributes to the persistence of precarious working conditions, even in contexts where rights to rest and disconnection are formally recognized.

E. COLLECTIVE RIGHTS AND FREEDOM OF ASSOCIATION

The laws analyzed recognize the freedom of association of digital platform workers. **In particular, Uruguayan legislation expressly recognizes the possibility of collective bargaining, including for workers classified as independent.** This recognition represents a significant step forward in addressing the long-standing exclusion of these workers from traditional mechanisms of representation and social dialogue under labor law, and it takes place within a regional context shaped by prior processes of trade union organization and collective mobilization, which played a key role in advancing these legal reforms.

However, the effective exercise of these rights may be constrained by significant structural limitations. The absence of specific procedures for algorithmic transparency, or the implementation of this right solely at the individual level, makes it difficult to identify common management patterns, understand actual

working conditions, and develop informed collective strategies. Thus, although collective rights are formally recognized, their practical effectiveness depends on institutions' ability to interpret the legislative text in ways that strengthen their exercise in the face of opaque forms of algorithmic management.

3. Addressing intersectionality and discrimination

A third common trend across the regulations analyzed is a limited, fragmented approach to discrimination and intersectionality¹¹² in digital platform work. The laws examined include, to varying degrees, references to equality, non-discrimination, and the eradication of workplace violence, which represents a significant step forward. However, these provisions remain confined to direct and individual acts of discrimination.

In the legislative frameworks of Colombia, Uruguay, and Mexico, discrimination is generally addressed in its direct form; that is, the laws prohibit explicit discriminatory acts based on gender identity, nationality, trade union affiliation, among other grounds, without incorporating a socio-technical or algorithmic understanding of the biases that may arise from automated systems. Only Mexican law requires digital platforms to establish specific mechanisms for addressing and following up on complaints or reports of discriminatory acts against workers.

As an exception, Chilean law includes an article on the “prohibition of discrimination through automated decision-making mechanisms,” which requires platforms to respect the principles of equality and non-discrimination in the design and implementation of algorithms. However, the provision has gaps that hinder its practical effectiveness: enforcement, for example, falls to competent authorities that are not specified. Additionally, the law does not establish clear mechanisms for the independent auditing of algorithmic systems, making it difficult to effectively identify and control discriminatory practices.

On the other hand, only the laws of Mexico and Colombia include explicit references to a gender perspective and the protection of people under the age of 18 and other vulnerable groups, although they lack robust operational mechanisms for prevention and protection against acts of discrimination and violence. This gap in existing legislation renders invisible the experiences of harassment, abuse, and sexual violence¹¹³ that women and gender-diverse individuals face on a daily basis while performing platform-based delivery work and even in private transportation.

112. Intersectionality is an analytical approach that helps explain how different axes of inequality interact and operate simultaneously, producing specific effects on experiences of discrimination, exclusion, and access to rights. See: Crenshaw, K. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.

113. Kruskaya, H. (2020). Habitando las economías de plataforma. El ser mujer repartidora en Uber Eats y Glovo en Quito [Inhabiting the Platform Economies. Being a Woman Delivery Worker in Uber Eats and Glovo in Quito]. Friedrich Ebert Stiftung Ecuador Fes. Available at: https://laboratoria.red/wp-content/uploads/2020/07/Habitando_las_economias_de_plataforma._E.pdf

Gender-based harassment and violence in the world of work have been the focus of ILO¹¹⁴ conventions and recommendations that establish a common framework for preventing and addressing all forms of discrimination and violence through an inclusive and equality-based approach.

In this regard, the laws analyzed reveal the absence of risk assessment mechanisms tailored to digital platform work that incorporate a gender and intersectional perspective, ensuring the effective prevention and addressing of discriminatory practices in the allocation of services, during their performance, and throughout workers' movements in urban spaces.

Generally speaking, the laws do not reflect an intersectional approach in their provisions. Even Mexican and Colombian laws, when they include references to the protection of certain groups or to a gender perspective, do so in a descriptive and fragmented manner. This absence is problematic insofar as intersectionality constitutes a central approach to the formulation and implementation of effective labor regulations and public policies that adequately safeguard rights, as it identifies how different markers of inequality intersect and produce specific and differentiated effects on access to rights and exposure to risks.

4. Implementation challenges

Although the regulations analyzed include important advances in the exercise of rights in relation to digital platforms, challenges remain regarding their implementation. With the exception of Chile, the laws leave key aspects to be addressed in subsequent regulations, delegating to the Executive Branch the definition of operational, technical, and, in some cases, substantive elements of the regime governing digital platform work. This regulatory approach facilitates reforms in highly complex contexts marked by rapid technological transformation, but it also introduces significant legal uncertainty that limits the actual effectiveness of the rights recognized.

Moreover, by deferring key definitions to later stages, the laws shift key decisions regarding implementation, oversight, and the effective protection of rights outside the legislative debate, thereby reinforcing dependence on future administrative developments.

Among the issues deferred to subsequent regulations are matters related to access to social security (Colombia), enforcement (Colombia), the calculation of earnings and remuneration (Mexico), and the obligations of platforms to provide essential tools for performing work (Uruguay).

114. Convenio sobre la violencia y el acoso (núm. 190) y la Recomendación que lo acompaña (núm. 206)

When it comes to personal data protection, the challenges of implementation are related not only to the lack of regulatory coordination but also to the inclusion of provisions that, on the one hand, assign responsibilities to workers for safeguarding data and, on the other, promote the creation of identity verification mechanisms without providing sufficient details on how they operate. In the first case, such provisions may be problematic insofar as they impose additional burdens in an area that, by its very nature, usually falls primarily on platforms, raising questions about their practical scope, especially in scenarios involving data breaches or misuse of information. In the second case, the lack of definitions regarding the data to be used and the conditions governing its processing poses additional challenges for data protection.

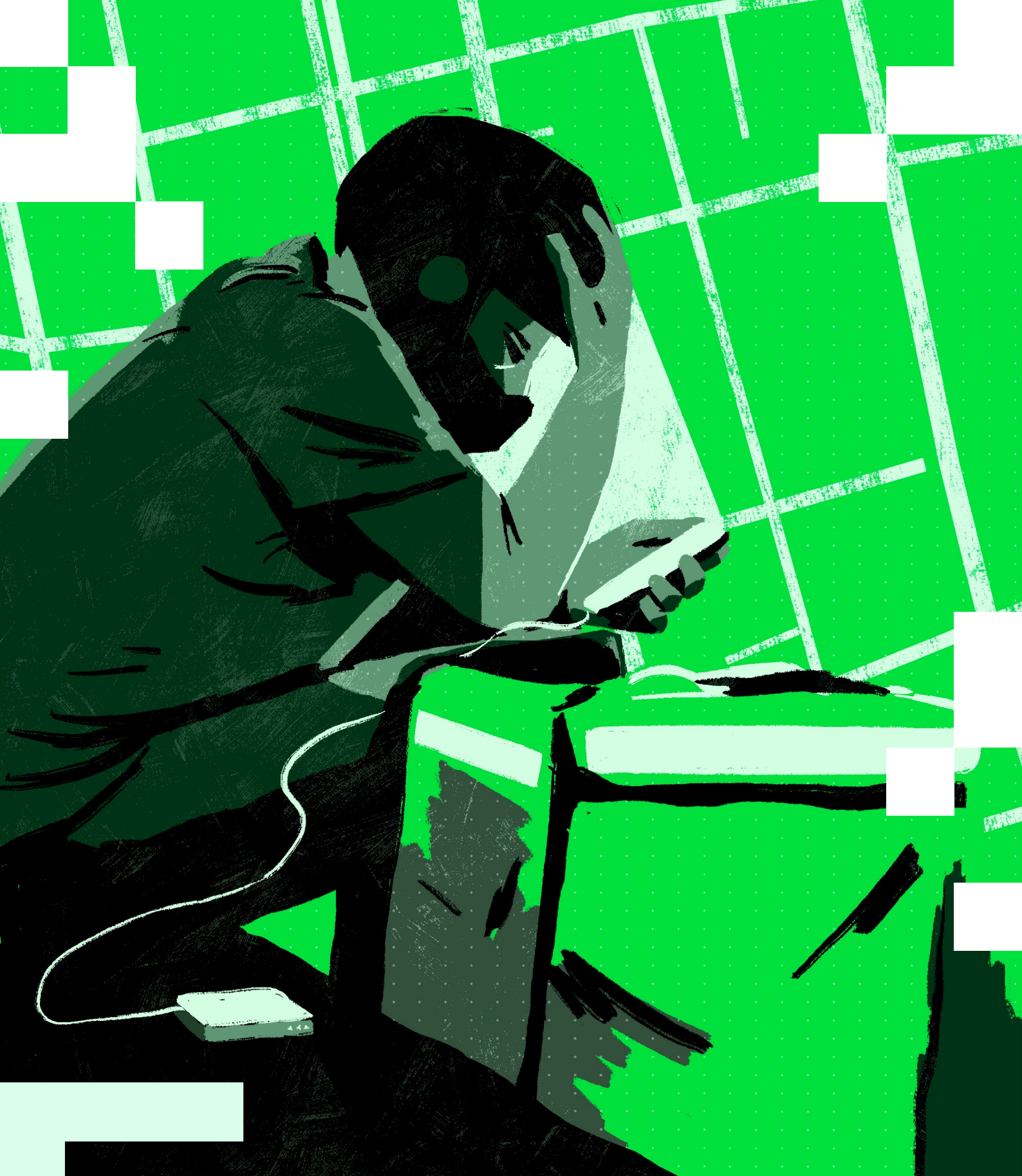
As noted above, Mexican law includes among workers' obligations compliance with data protection policies and mechanisms, as well as restrictions on the use of such data. While this provision may be understood as part of an approach aimed at protecting users' information—as reflected in Mexico's 2021 telework regulations—its wording and the lack of provisions to guide its implementation raise concerns about potential risks of disproportionately holding workers liable for obligations that traditionally fall on employer companies. In the Colombian case, the creation of an identity verification mechanism, along with the problems associated with the unilateral definition of the type of work, introduces specific challenges in this area. The lack of clarity regarding the data to be collected and used, as well as the conditions governing its processing, creates uncertainty about key issues, including methods of information storage, the possible inclusion of biometric data, applicable data protection standards, and the risks associated with platform surveillance practices.

Another critical element limiting the effectiveness of certain provisions in the regulations analyzed is the lack of clarity about which authorities are competent to oversee labor relationships involving digital platform work and under what parameters they should do so.

Although laws generally assign broad powers to labor ministries or agencies, they do not clearly define the scope of those functions in a context characterized by intensive algorithmic management and, in many cases, a transnational dimension.

This lack of definition is particularly significant in areas such as the oversight of algorithmic systems, the abusive processing of personal data, and the monitoring of discriminatory practices. The effectiveness of oversight depends on clearly defined powers for the various institutions involved, the availability of financial, technical, and human resources, and inter-institutional cooperation (including personal data protection authorities, public prosecutors' offices, and the judiciary itself).

In this regard, it is worth noting the limited attention the analyzed regulations devote to capacity-building for effective implementation. Beyond the important and innovative measures provided for in the areas of transparency and explainability, for example, no specific provisions have been identified regarding technical training, resource allocation, the creation of specialized units, or institutional strengthening for the authorities responsible for the inspection and oversight of digital platform work. This omission is particularly concerning given that the oversight of algorithms, automated management systems, and personal data flows requires highly specialized technical expertise and appropriate tools.



Concluding remarks and recommendations

Concluding remarks and recommendations

The norms examined represent significant achievements of organized platform workers' movements in Latin America. However, it is still unclear how they will spread to other countries in the region and to other sectors of the platform economy.

In the cases analyzed, they continue to have a limited scope of application, focusing primarily on location-based platform work while excluding cloud-based platform work. In some cases, the scope is even narrower, as in Colombia, where the regulation is specifically limited to delivery work. While this trend responds to different national contexts and, in some cases, forms of work that may require specific regulatory approaches, it also fragments the regulatory response and reproduces inequalities among different groups of platform workers.

Monitoring case law developments in these countries will be key to understanding how these distinctions are interpreted and whether the judiciary is moving toward equalizing protections across different areas of platform work. Furthermore, promoting and closely following the actions of authorities and courts is essential to understanding how the central concepts in the analyzed regulations will be defined and implemented. The interpretation of emerging rights related to algorithmic transparency, explainability, and human oversight will be particularly important, as these rights are relevant not only in the context of work but also across other regulatory domains within the digital environment.

The ongoing discussions at the ILO regarding decent work in the platform economy are also particularly relevant both in countries that have already adopted regulations on platform work and in those where consensus on such regulations has yet to be reached. In this regard, the decision by the 113th International Labour Conference (ILC) to move toward a binding instrument to address the various forms of platform work is critically important. The adoption of a Convention establishing obligations for States would, on the one hand, strengthen calls for regulation in the face of corporate pressure to deregulate the sector. On the other hand, it could provide key definitions and reference points for future regulatory developments in the region.

At the same time, strengthening spaces for dialogue and participation involving trade unions and platform workers is essential to developing policy proposals, regulations, or legislative reforms in this area. The creation of formal mechanisms for participation could be included as a requirement in future regulations to ensure that the sector's experiences, situated knowledge, and long-standing demands are incorporated into the definition of technical standards and administrative procedures. Meaningful participation by platform workers and their trade unions is especially significant given the central role they have historically played in establishing and expanding labor rights, both in traditional settings and, more recently, within the digital platform work sector itself.

Finally, collaboration among platform workers, trade unions, and organizations working at the intersection of rights and technology will be essential to address the challenges posed by opaque algorithmic management and the constant emergence of new technological tools that place workers' health, well-being, and rights at risk. The most pressing issues in this regard include those related to technology-facilitated violence, algorithmic transparency, surveillance, and manipulative design, among others. The existence of rules aimed at establishing limits on these practices in the workplace is crucial and creates opportunities for collaboration in identifying ways to ensure their effective implementation.



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