



Fairwork Indonesia Ratings 2021: Labour Standards in the Gig Economy



Executive Summary

This first Fairwork report for Indonesia examines gig workers' rights in what is a relatively young market and capital-intensive sector. Overall, the scores awarded to platforms in Indonesia in the first year were very low, reflecting an absence of labour protections in the wider informal economy as well as in the platform economy, and substantial room for improvement in subsequent scoring rounds.

Indonesia's gig economy—based on workers completing short-term tasks through digital platforms—has been associated with rapid growth and contribution to the national economy. At the same time, gig work is associated with a rise in precarious and unfair working conditions. To help address this, the global Fairwork project, which works to improve pay and conditions in gig economies across the world, has recently been joined by an Indonesian partner; the Center for

Digital Society in the Faculty of Social and Political Sciences, Universitas Gadjah Mada, Yogyakarta.

This report presents the first set of Fairwork ratings for Indonesia, evaluating six of the most prominent platforms in the country—Gojek, Grab, Maxim, Anteraja, Ninja Xpress, and Paxel—against the five global principles of Fairwork: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation.

Key Findings

▲ **Fair Pay:** despite the Indonesian government's guidelines for per-kilometre fare payments to workers, no platform was able to evidence that they pay all workers a fair wage once workers' logged-in hours and work-related costs are taken into consideration.

▲ **Fair Conditions:** Grab, Gojek and Paxel protect workers from risk with accident insurance, emergency helplines, access to health insurance and other wellbeing initiatives. We were not able to evidence such initiatives from the other platforms, namely, Anteraja, Ninja Xpress, and Maxim.

▲ **Fair Contracts:** most of the platforms have clear, accessible terms and conditions for workers. However, none of the platforms was able to evidence that these terms and conditions fairly shared risks and liabilities between workers and platforms.

▲ **Fair Management:** Grab and Gojek have documented channels for communication with workers, and initiatives seeking to address key local discriminations and inequities. Unfortunately, none of the other platforms could evidence these things.

▲ **Fair representation:** worker associations exist, but are not formally recognised either in law or by platforms, and some workers are wary of joining collective protests or strikes due to fear of penalties from the platform. As a result, no platform was able to evidence fair representation of gig workers.

Our report highlights other difficulties and challenges experienced by Indonesian gig workers: absence of labour rights (as most of them are not classified as workers within Indonesia's Manpower Law); gendered challenges for women workers with reproduction of gender inequities from the traditional economy including discrimination and harassment by customers; and the impact of COVID-19 that has led to lack of work and poverty for some workers, and exhausting overload for others.

This report is the result of a one-year pilot project in Indonesia. It establishes a baseline of the current situation in Indonesia's gig economy that will be updated on an ongoing, yearly basis. Overall, our ratings for 2021 reflect that there is much to be done to ensure fairness in Indonesia's gig economy. Our findings call for coordinated efforts and measures from regulatory bodies, platform companies, as well as workers and customers. We must ensure that the peculiarities of this new emerging business model

are not used as an excuse to create a sector that is unsustainable for Indonesian workers and society. We call on platforms, workers, customers, and government to rethink and reimagine a better and fairer gig ecosystem for all.

Score Summary

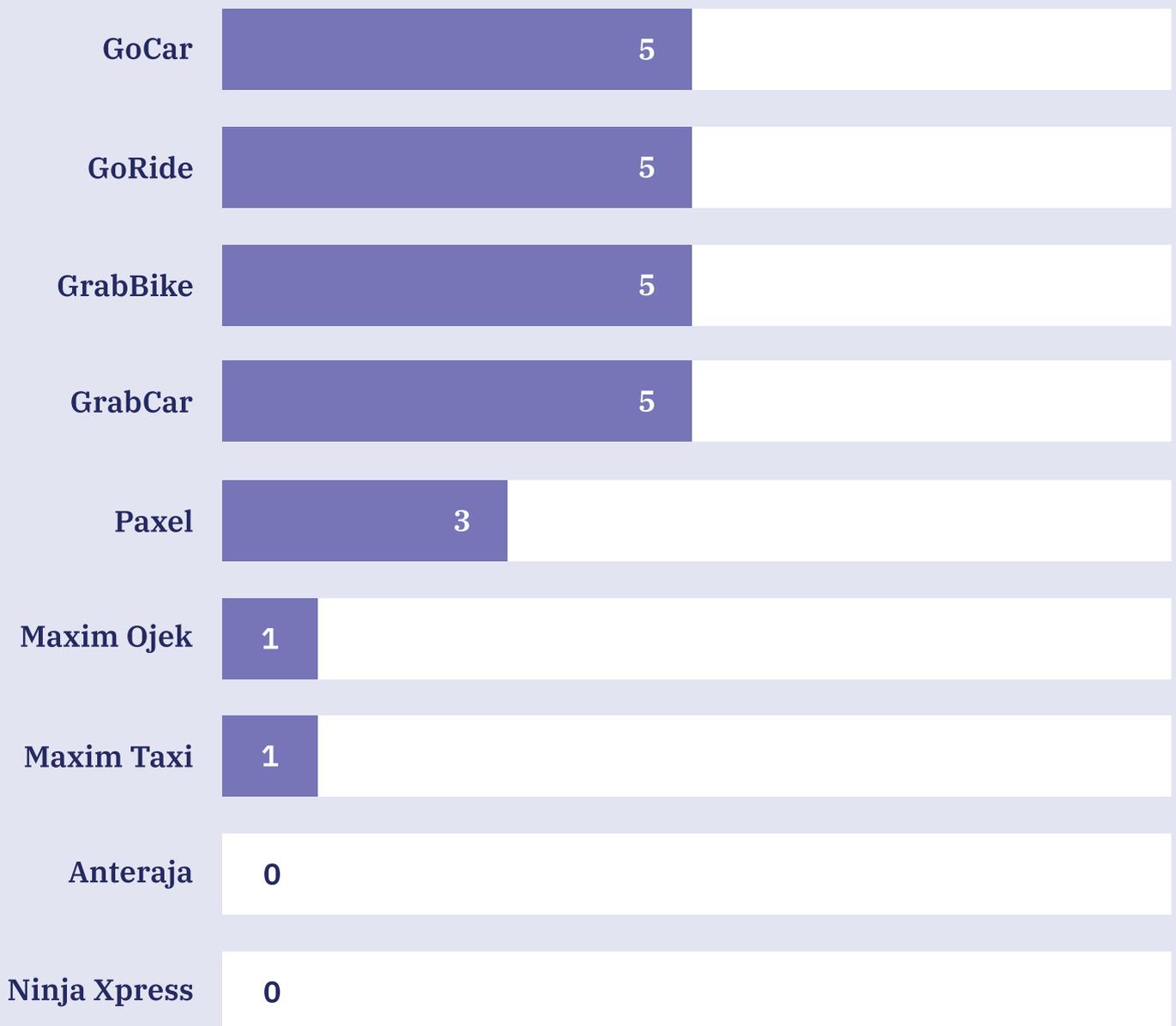
The ratings achieved by the platforms in Indonesia vary, but all lie at or below the half-way mark of possible scores. Because of their dominance in Indonesia's gig economy, and because other services (e.g. personal and domestic services such as cleaning) have been very constrained during the COVID-19 pandemic, we have focused in this report on ride-hailing

and delivery services. The two services (motorcycle and car-taxi) separately assessed for each of Grab (GrabBike, GrabCar) and Gojek (GoRide, GoCar) scored five points each, Paxel scored three points, Maxim's two services (again, motorcycle and car: Maxim Ojek, Maxim Taxi) scored one point each, and both Ninja Xpress and Anteraja achieved zero points.



Fairwork Indonesia 2021 Scores

Score (out of 10)



Editorial:

Towards Fair Work in Indonesia

Digital transformation has brought new challenges and opportunities in many sectors of the Indonesian economy. The digital labour sector is one of them, where the concept of the gig economy has gained momentum in recent years.

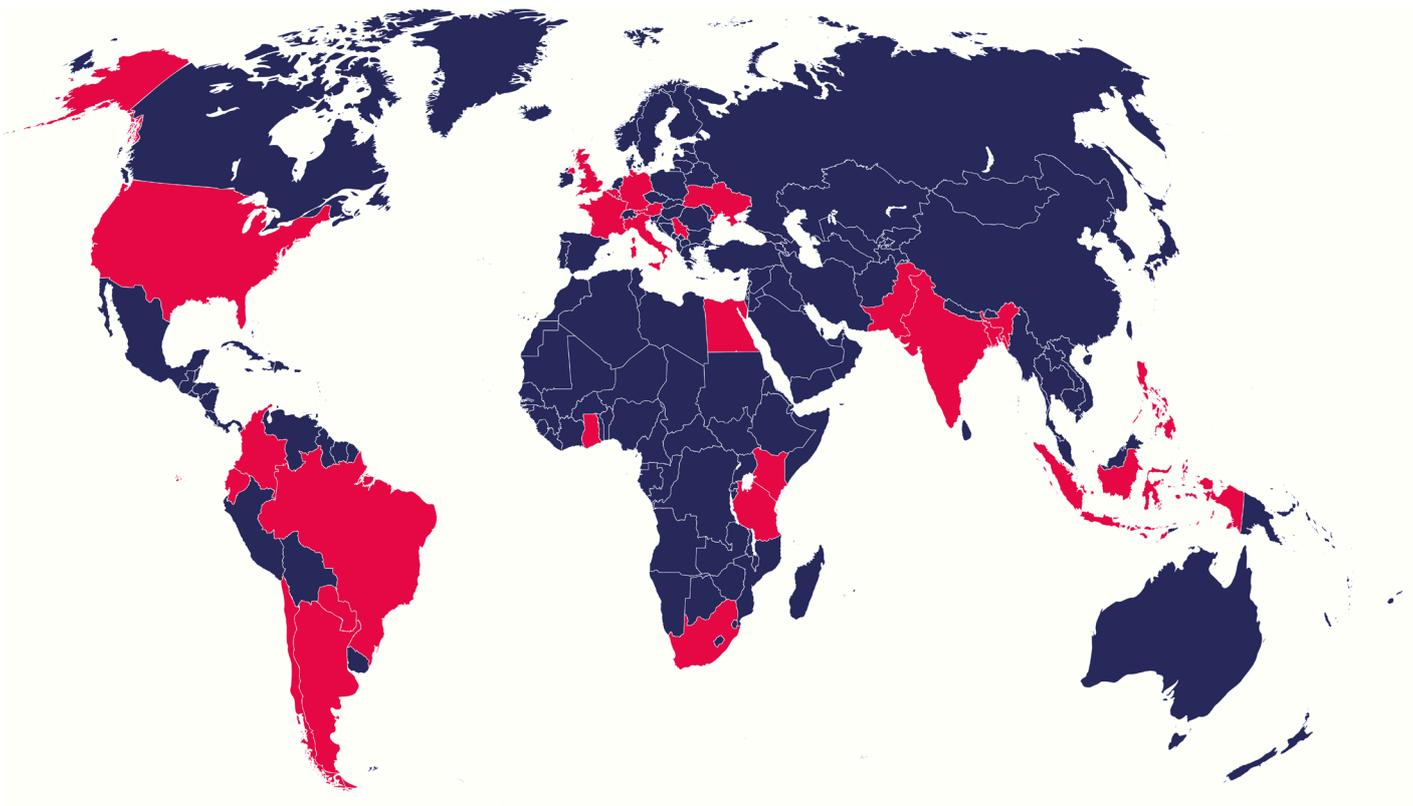
The changes brought about by this new type of work have invited many academic and policy debates, most especially in light of its socio-economic impact on Indonesian society. The gig economy has gained some traction via its contribution at the macro-economic level, championed as a part of the “disruptive” economy, leading the “Making Indonesia 4.0” agenda, and supporting Indonesia’s economic resilience. In 2019, for example, the Demographic Institute of the Faculty of Economics and Business, University

of Indonesia (LDFEB UI) reported that Gojek’s transactions alone contributed 104.6 trillion Rupiah (nearly US\$ 7 billion) to the nation’s economy.¹ This economic contribution is largely due to the number of job opportunities that platforms offer, as well as the number of economic transactions that are made through them.

Set against these positive claims made about Indonesia’s gig economy, workers still face a lot of issues regarding working conditions. For example, long working hours are one

factor behind the “success” of most gig workers, representing a classic trade-off between income generation and quality of life. Yet, despite this general understanding of the issues facing Indonesia’s gig workers, there has been a lack of systematic investigation of their working conditions. This application of Fairwork’s structured rating system to Indonesia’s gig economy represents a first attempt. The assessment we report here includes the nine most visible services from six different platforms operating





in Indonesia: Anteraja, Gojek, Grab, Maxim, Ninja Xpress, and Paxel. The work was undertaken by the Center for Digital Society (CfDS) in the Faculty of Social and Political Sciences, Universitas Gadjah Mada, Yogyakarta, in collaboration with the Oxford Internet Institute at the University of Oxford, UK; the Centre for Digital Development at the University of Manchester, UK; the Centre for IT and National Development (CITANDA) at the University of Cape Town, South Africa; and other academic institutions from more than 20 countries in which Fairwork operates (see figure). We assessed evidence based on the five Fairwork principles through a combination of desk research and in-depth interviews with workers and platform representatives in Jakarta; only awarding a point when there was clear and sufficient evidence in support of a principle. All scoring was undertaken on a collaborative basis by the whole Indonesia team followed by external peer review from members of the central Fairwork group and Fairwork members from other countries.

The two sectors where the gig economy is particularly thriving are transportation and delivery, and these form the focus for our Fairwork ratings in this report. The gig economy in Indonesia saw early adoption of ride-hailing applications, Uber and GrabTaxi, in 2014. The following year witnessed the launch of the Gojek application, which offered delivery of food and packages alongside on-demand transportation via car and motorcycle taxi. Setting a pattern of competitive mirroring that has lasted to date, Grab then also added motorcycle taxi and food delivery features to its own application. This marked the start of Grab and Gojek’s so-called “super-apps”: provision of multiple services (personal transport, food delivery, parcel delivery, etc.) within a single user application.

For the past seven years, and especially with Grab’s acquisition of Uber’s local operations in 2018, Indonesia’s gig economy landscape has been dominated by the two platforms, Gojek and Grab. Competition between

the two may have had some positive effects. Indeed, as reflected in our first Fairwork scores for Grab and Gojek, this competitive mirroring may have prompted a “race to the middle”: when one platform adds some beneficial feature for workers, the other seems to follow suit. This process has yet to result in adherence to all of Fairwork’s principles — it is not yet a “race to the top” — and other downsides of duopoly are visible, given the difficulty for new local startups to compete in the current transportation and/or food delivery sectors. The Indonesian Ministry of Transportation has tried to ensure fair competition amongst the players by setting up a minimum per-kilometre fare according to the operational region (Java, Sumatra, Bali, etc.). Further, the Indonesian Commission for the Supervision of Business Competition (KPPU) has the mandate to ensure the compliance of companies and platforms operating in Indonesia. However, it is clear from our Fairwork scores that regulation in Indonesia has yet to ensure fair pay and conditions for workers.

This report highlights the difficulties and challenges experienced by Indonesian gig workers, ranging from the absence of labour rights (as most of them are not classified as workers within Indonesia's Manpower Law), the absence of formally-recognised worker unions, poor working conditions, gendered challenges for women workers, and volatile incomes. This situation has been worsened by the COVID-19 pandemic, since mobility restrictions have made it more difficult for workers to work on the road and receive orders. This has led some drivers to leave platforms if they become unable to pay the monthly lease for their vehicles. The pandemic has also affected the logistics sector in a different way. The increasing number of online transactions—pushing workers to deliver more packages within a short period of time—has resulted in exhaustion and a greater perception of worker exploitation by the platforms. As a result, in 2021, there have been at least four strikes organised by Indonesian couriers across different platforms.

The lack of workers' official representation has hampered efforts to address the situation. For example, most gig workers in the Indonesian transport sector are organised only into locality-based informal communities which do not have any legal standing with their companies. Because platforms in Indonesia classify their workers as independent “partners” (or mitra) rather than as employees, they avoid the legal rights and obligations that come with employee status; despite the fact that platforms exert a considerable amount of control over workers' jobs and income. This arises because current Indonesian labour law (Law No. 13 Year 2003) makes no mention of independent partner/mitra as a type of employment. Clearly, the law needs to adapt to the transformation of the employment landscape in recent years, and the emergence of new types of jobs such as those in the gig economy.

While large numbers of women have entered Indonesia's gig economy, we found that they face a number of

gendered challenges. The promise of work flexibility that draws many women into the workforce does not always reflect the reality, with many forced to work long hours in order to make a reasonable income. Indeed, despite its modern and mould-breaking image, the gig economy still reproduces the gender inequities of the traditional economy. Women among the workforce are under-represented and thus have less traction in pressurising platforms and other stakeholders for change. They also meet the wider structural constraint that their identity as a woman can result in either discrimination or harassment by customers. While well-meaning, a major element of the platforms' response to this—algorithmic constraints that enable women workers to avoid tasks involving physical proximity—can have the effect of narrowing their income-earning opportunities.

Overall, the Fairwork scores in this report suggest that pay and working conditions in Indonesia's gig economy fall well short of decent work standards, and that reforms are needed in order to develop a fairer and more equitable gig economy. We hope that this report will shed light on the conditions of gig workers and establish broader efforts and support across sectors and levels—including government, platforms, workers, and customers—to create better working conditions for Indonesia's gig workers.



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The Fairwork Framework

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

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

The five Fairwork principles were developed at a number of multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Indonesian context, we workshopped them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers in Indonesia.

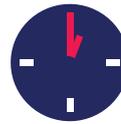
Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.

01 The five principles



Fair Pay

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



Fair Conditions

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



Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. If workers are genuinely self-employed, terms of service are free of clauses which unreasonably exclude liability on the part of the platform.



Fair Management

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



Fair Representation

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

02 Methodology overview

Scoring platforms according to the Fairwork principles relies on a range of different data sources collected by the in-country research teams. These data include desk research, evidence submitted by the platforms and semi-structured interviews with both workers and management from each platform.

Desk Research

The process starts with desk research to ascertain which platforms are currently operating in the country of study. From this list the largest and most influential platforms are selected to be part of the ranking process. If possible, more than one platform from each sector (ie. ride-hailing or food delivery) are included to allow for comparisons within each sector. The platforms included in the ranking process are both large international ones as well as national/regional ones. Desk research also flags up any public information that could be used to score particular platforms (for instance the provision of particular services to workers, or ongoing disputes).

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

Platform Interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the

principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker Interviews

The third method is interviewing gig workers directly. We aim for a sample of 6-10 worker interviews for each platform. Workers are approached either through the platform directly or at known worker meeting points. These interviews do not aim to build a representative sample. They instead seek to understand the process of work and the ways it is carried out and managed. They allow us, for instance, to see contracts and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place on the platform. In Indonesia, we undertook our worker interview sample in the Greater Jakarta area, supplemented with additional worker interviews in Yogyakarta, Medan, Surabaya, and Makassar.

Putting it all together

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

03 How we score

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

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

Further details on the Fairwork Scoring System are in the Appendix.

Background: Overview of the Indonesian Gig Economy



Digital Indonesia

Unemployment, under-employment and informal employment are central macro-level challenges for Indonesia, which have led to a significant emphasis on labour-intensive sectors within the country's industrial and economic policy since at least the 1990s.²

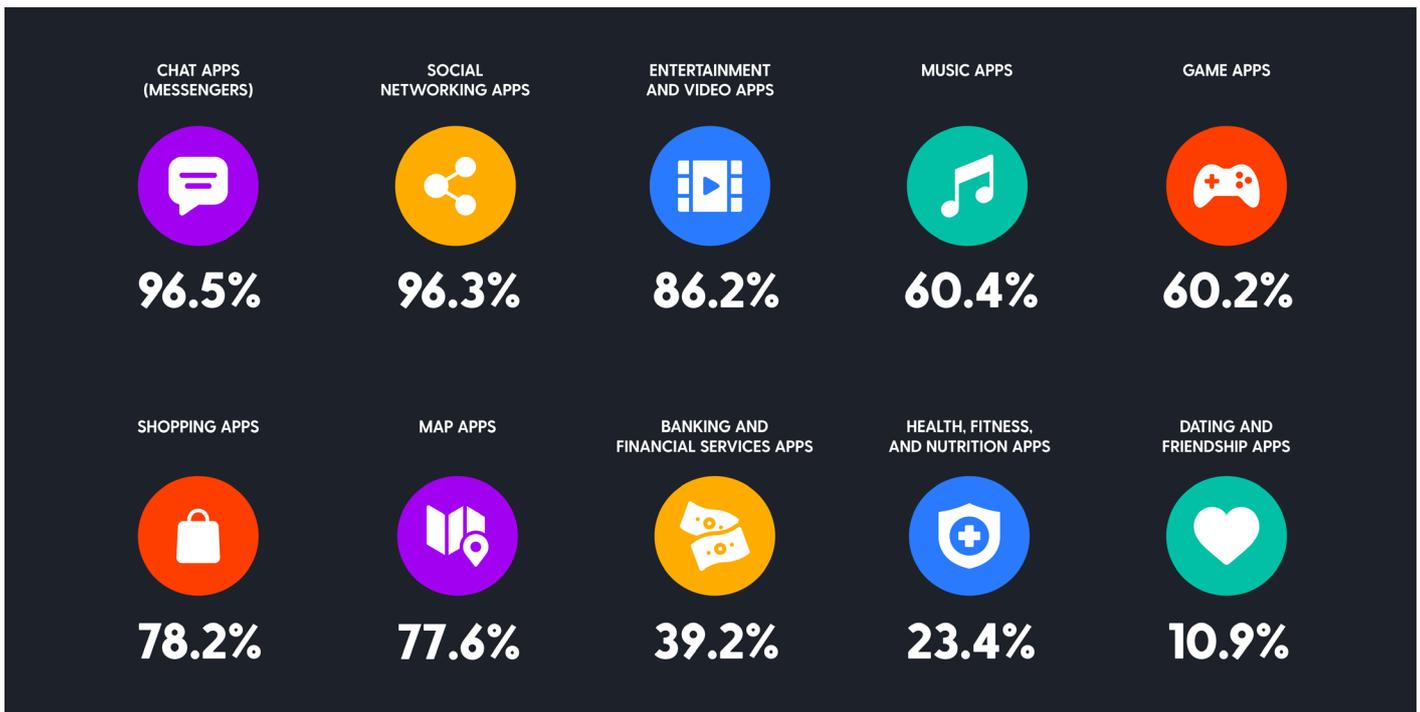
Notwithstanding the achievements of these policies, pressures on the economy and workers remain intense. Adding jobs in traditional industrial sectors has proven difficult due to supply and demand constraints. At the same time, in rural areas, agricultural employment opportunities are limited by factors like poor access to finance, and conversion of land to non-agricultural purposes.³ Hence, rural-to-urban migration is on the rise. Added to all this have been contextual pressures: first, the 2008 global financial crisis significantly increased Indonesia's national unemployment rate,⁴ and more recently, the COVID-19 pandemic

has created financial problems right across Indonesia's economy.⁵ Coupled with population growth and limited access to social security safety nets, all of these forces have pushed tens of millions into the informal economy as the only possible means of gaining a livelihood.⁶

Running in parallel to this pressure on government to address employment challenges has come the rise of digitalisation in Indonesia; with the country currently dominating Southeast Asia, for example in terms of smartphone use⁷ (IDC, 2016). As a result, nearly three-quarters of

Indonesia's 266 million population (representing 90% of the adult population) were active users of the Internet in 2020.⁸ While social media and instant chat dominate usage, large numbers of people also use the internet for banking, online shopping, and other online services, as shown in the figure on use of mobile apps in Indonesia.⁹

Digitalisation of the Indonesian economy has been encouraged by the relatively low cost of data in the country. Indonesia sits in the top 15 countries in the world when ranked for cheapness of data, with average costs



Source: <https://datareportal.com/reports/digital-2020-indonesia>

(at ca. US\$0.40 / GB of data); around one-tenth of the world average.¹⁰

This growth of digital has intersected significantly with issues of employment and informality. The development of Indonesia's digital economy has enabled many informal entrepreneurs to expand their market reach through digital platforms, and the growth of e-commerce and other platforms has driven expansion of informal services to support online shopping and other applications. At the heart of this intersection has been growth of Indonesia's gig economy, particularly the motorcycle-based transport services that fit well with Indonesia's income level, poor transportation planning, and slow average traffic speeds for cars and trucks.

Indonesia's Gig Economy

Indonesia's digital economy has flourished in recent years. The gross merchandise value for the digital industry was estimated at US\$ 44 billion in 2020, with the value expected to almost triple to US\$ 124 billion by 2025.¹¹ Transport and food delivery services contributed US\$ 5 billion to

this total, and are projected to reach US\$ 16 billion by 2025—second only to e-commerce. This means that the gig workers who work as ride-hailing drivers or delivery couriers are at the forefront of Indonesia's digital economy. According to one estimate, there are more than 2.5 million motorcycle-based gig workers, and a fifth of Indonesia's population has used one of the large motorcycle-based services.¹²

The rise of platform-based work in Indonesia was propelled in 2015 by the launch of Gojek's mobile application and the expansion of Grab's ride-hailing services into the Indonesian market. Gojek began their operations in 2010 as a call centre that connected customers and motorbike taxi drivers for courier delivery and ride-hailing purposes. Meanwhile, Grab started their business in Malaysia in 2012 as a taxi-booking application. However, by 2015, Grab had expanded their operations to the Philippines, Vietnam, and Indonesia.

Grab and Gojek quickly became the biggest players in transportation and delivery services, commanding approximately 64% and 35% of

Indonesia's market, respectively, in 2019.¹³ In addition to these two giants, Uber was also one of the main players in Indonesia's gig economy before ceasing its operations in 2018 after acquisition by Grab. Another company, Russia-based Maxim, entered the Indonesian ride-hailing market in 2018 and quickly expanded beyond the capital city, although their overall market share remains much smaller than that of Grab and Gojek.

All three of the ride-hailing companies we scored—Grab, Gojek, and Maxim—offer both car and motorbike services, with the latter being the more prevalent of the two. In recent years, Gojek and Grab have also expanded into other services, with the common goal of becoming the leading “super app” in Indonesia. Grab, for instance, has launched on-demand services such as GrabFood (food delivery), GrabMart (everyday goods delivery), and GrabExpress (parcel and courier delivery). Gojek has launched similar services, namely GoFood (food delivery), GoMart (everyday goods delivery), and GoSend (parcel and courier delivery). Motorbike drivers (from GrabBike and GoRide) can be assigned to all of these on-demand

delivery services. Meanwhile, car drivers (from GrabCar and GoCar) are mostly assigned to ride-hailing orders. This difference in the services undertaken led to our decision to separate the scores based on the vehicle being used to deliver the services; that is, to separately rate the car and motorcycle-based services offered by Grab, Gojek, and Maxim.

While Gojek and Grab mostly focus on short-distance delivery services, Anteraja, Ninja Xpress, and Paxel focus on long-haul delivery services. Ninja Xpress started its business in Singapore in 2014 before expanding to Indonesia in 2016, while Paxel (established in 2017) and Anteraja (established 2019) only operate in Indonesia. Delivery couriers usually work in shifts and are compensated according to the number of packages that they successfully deliver on-time. During the pandemic, the delivery sector grew significantly as courier usage increased by more than 50%.¹⁴ This is in contrast to the ride-hailing sector, where 99% of drivers reported decreasing income due to COVID-19.¹⁵

Despite the rapid growth of transportation and delivery services in Indonesia, the addition of other services to the gig economy—such as care and domestic work—has faced challenges. A survey conducted by DailySocial.id showed only a small minority of respondents using such services in 2017, and COVID-19 has had a serious impact subsequently.¹⁶ Seekmi, established in 2015, provides a platform for customers to order various cleaning and repair services, ranging from laundry to electronic repairs. As of 2020, however, the company only operated in the Greater Jakarta area, and the pandemic has made it difficult for such services to be offered consistently. GoLife, a separate application launched by Gojek that offered various non-transportation services such as massage, repair, and cleaning services, ceased operations in July 2020 due to the pandemic. This means that many of its workers, of which more than 70% were women,¹⁷ had to seek alternative income opportunities. Because of the limitations currently faced by the sector, we did not include care and domestic gig work in this initial year's scoring.

Benefits and Challenges of the Gig Economy

The gig economy has brought major benefits for the Indonesian economy. A study by LDFEB UI estimated that GoRide and GoCar contributed a combined total of IDR 18.8 trillion (US\$ 1.3 billion) to Indonesia's economy in 2019,¹⁸ with GrabBike and GrabCar contributing approximately IDR 37 trillion (US\$ 2.6 billion) in the same year.¹⁹ The gig economy also offers services at a lower cost for consumers. The consumer surplus, that is, the benefit consumers gain from lower prices, has been calculated at IDR 5.73 trillion (US\$ 400.5 million) for GrabBike in 2018, and IDR 40.41 trillion (US\$ 2.8 billion) for GrabCar.²⁰

The contributions made by Grab and Gojek to Indonesia's economic development are reflected in the size of their workforce. The Executive Head of Non-Bank Financial Institution Supervision, has estimated that there are around 2 million Grab drivers and 1.5 million Gojek drivers in Indonesia.²¹ Another report has suggested that the



Source: Bramanyuro / Shutterstock.com



Source: Ricca Novia / Shutterstock.com

total number of ride-hailing drivers in Indonesia across all platforms reached 4 million in 2020.²² This number represents 5% of Indonesia's workforce: a very sizeable share, with the majority living in urban areas.

For the workers in the transport and delivery sector, gig work has provided employment, a livelihood and income. Some estimates paint a particularly positive picture here. For example, one study suggests that 38% of GrabBike's workers and 26% of GrabCar's workers were unemployed prior to joining the platform, and that the former's income increased 124% after joining the platform and the latter's increased by 107%.²³ Alongside these core livelihood issues, some platforms also provide additional opportunities for capabilities building. Grab, for example, claims to have facilitated training programmes for more than 1.7 million workers in 2020.²⁴ Our own fieldwork paints a slightly less rosy picture, certainly in terms of employment and income. We found that 31% of platform workers were previously employed in a similar sector (i.e. transportation and/or delivery services), 59% were employed in a different sector, and only 10% were unemployed (a number

of whom were recent graduates, new to the labour market). In relation to income, nearly half of our respondents (45%) reported that they were earning less with the platform than in their previous job.

The working conditions for gig workers also leave much to be desired. Workers often face unilateral decisions and unfair policies by the platform. For example, platforms often change their incentive scheme without prior consultation with the workers, despite their status as "partners". This raises concerns about the dependence and subordination of platform workers, as most workers rely on the income from platform work—a study by LDFEB UI shows that platform work is the only source of income for roughly 90% of Gojek drivers.²⁵ On top of this, 93% of drivers have two or more dependents. Therefore, a change in incentive schemes might significantly affect the livelihoods of not only these workers, but also their wider families.

Platforms also exert control over their drivers by imposing various policies and algorithmic mechanisms. For example, drivers may receive a bonus from the platform based on the points they collect in a day. The accumulation

of these points depends on several criteria, such as the number of orders they complete, customer ratings, and the type of orders. This gamification of work is used by platforms to shape drivers' behaviour in carrying out their tasks.²⁶ Drivers are also prohibited from joining protests, at risk of suspension or deactivation. Notwithstanding this disincentive, there have been various collective efforts by the workers, ranging from creating informal unions to organising strikes. One of the critical moments in the struggle of Indonesian drivers against these platforms happened in 2018, when ride-hailing drivers from Grab and Gojek held multiple protests for several months.²⁷ They highlighted the lack of regulations from the government to protect gig workers from unfair treatment. More recently, an estimated 1,500 of Gojek's courier workers went on strike for three days from June 8, 2021, to protest against a change in the incentive scheme. These courier workers also agreed to form a workers' union to advocate for their demands—though the twin issues of collective representation and employment status remain constrained in Indonesia by the broader legal context.

The Legal Context:

It is impossible to separate labour law issues from the development of the gig economy. Particularly with on-demand services, the main labour issue is that platforms do not consider gig economy workers to be employees, due to a legal loophole and the narrow definition of employment relationship under Indonesian labour law.

Based on the Labour Law 13 of 2003, the term “employment relationship” is strictly defined as a relationship which occurs because of an employment agreement between the employer and the worker. That agreement itself must have at least three elements: work, command, and wages.

According to a narrow interpretation of this law, the gig economy relationship only fulfills the element of work, while the command and wages elements are not fulfilled. The work element is fulfilled because the gig worker is doing the work that is stipulated clearly in the contract. The work is also considered to be assigned directly by the platform. By contrast, the command and wages elements are not fulfilled, because the platform company claims not to be giving any direct command to the workers, as the command is said to come from customers through the app. Platforms also claim in terms of wages that they are not providing any salary to the workers, because the payment comes from the customers and their orders. While this stance in relation to both issues is clearly contestable—and

indeed has been contested in other countries—it is still considered correct according to the traditional labour law concept in Indonesia, and the concept has yet to be tested in court.

The only court decision that can be used as a reference is the Supreme Court Decision Number 841 K/Pdt. Sus/2009 in the case between a taxi driver and a taxi company. In that case, the Supreme Court decided that taxi drivers do not have an employment relationship with the taxi company because there was no element of wages, given taxi drivers only received a commission / percentage. They also found no element of command, because taxi drivers are given the freedom to find their own passengers. In the absence of any subsequent case law of relevance to the context of gig workers and platform companies, this 2009 case is still used as a basis whenever there is a discussion about employment relationships in the Indonesian gig economy.

This legal loophole is used by platforms to avoid classifying their

workers as employees, and also to (spuriously) claim they do not exert control over their work and wages. As a consequence, the absence of an employment relationship has excluded gig workers in Indonesia from the worker rights and protection offered by labour law, such as the rights to a minimum wage, overtime pay, and also social security, including medical, retirement, and unemployment benefits.

This lack of protection makes gig workers more vulnerable to termination of employment. In a formal employment relationship, companies have an obligation to pay severance and other benefits in the event of termination. But in the “partnership” relationship that is claimed in the gig economy, companies may easily suspend their workers temporarily or remove them permanently from the platform via algorithmic decisions based, for example, on customer ratings or number of jobs declined. Similarly, when it comes to minimum wage protections, while many transportation-focused gig workers

receive minimum per-kilometre payments, these are quite different from a minimum hourly, weekly or monthly wage. As we report below, this leads a proportion of these workers to earn less than the provincial / district minimum wage, after their work-related costs are taken into consideration.

Interestingly, when it comes to social security, Indonesian law is actually one step ahead of some other jurisdictions. Based on Law Number 24 Year 2011 regarding Social Security Agencies, social security for workers in Indonesia is handled by the

Workers' Social Security Agency, BPJS Ketenagakerjaan. This programme provides universal social security for Indonesian workers consisting of a pension scheme, old-age benefits, workplace injury benefits and death benefits. The scheme is intended for "all people", regardless of the nature of their employment, be it in the informal or formal economy. Hence, even though gig economy workers are not classified as employees, they can still get the benefit of the social security agency's non-wage earners scheme (the Pekerja Bukan Penerima Upah), which provides protection from the

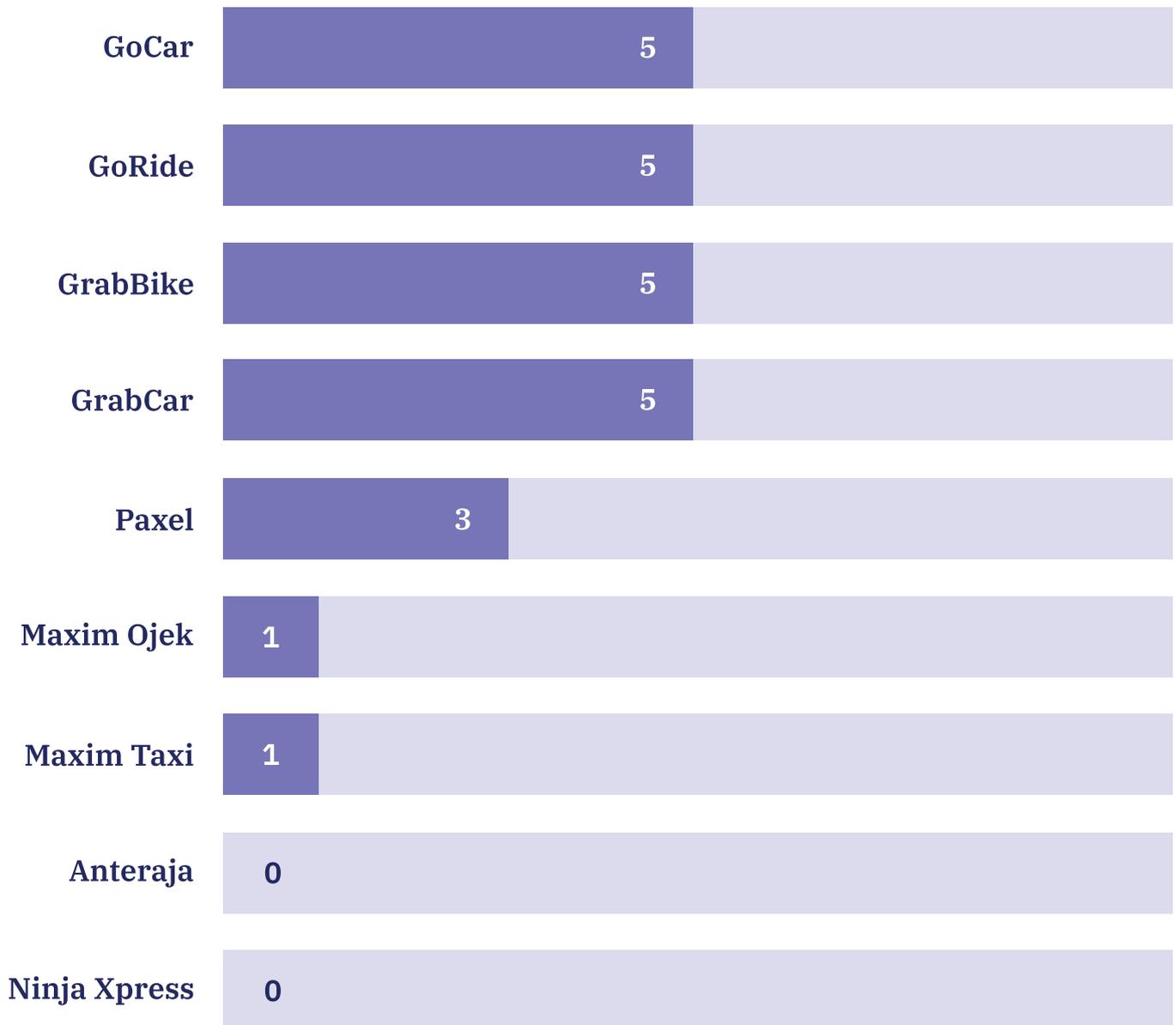
risks of work-related accidents and death. Unfortunately, this programme is optional not mandatory; therefore, there is no regulation that will impose sanctions on a company for not enrolling its workers in the programme.



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Fairwork Scores

Score (out of 10)

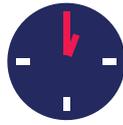


The ratings achieved by the platforms in Indonesia vary, but all lie at or below the half-way mark of possible scores, indicating that significant progress must be made before gig work in Indonesia can be called fair.



Fair Pay

Platforms are obligated to follow the Indonesian government's guidelines for per-kilometre fares. For many workers who committed to working on a full-time basis, this enabled them to appear to earn a monthly income above the local and regional minimum wage. However, they only achieved this by working very long hours: the workers we surveyed averaged more than 70 hours of work per week, with some working more than 100 hours – in part a reflection of the lack of regulation in Indonesia on maximum working time limits that could be applied to gig workers. In addition, this gross figure fails to take into account work-related costs (e.g. gasoline, vehicle rent/lease, insurance, vehicle servicing) which can eat up more than half of a worker's gross income. When calculated on an hourly basis, the government-identified living wage rate for Jakarta would be IDR 12,977 per hour while the minimum wage would be IDR 24,577 per hour (note that, in Indonesia, the terminology of living and minimum wage are reversed compared to most countries). Taking into account logged-in hours and work-related costs, none of the platforms was able to evidence mechanisms to ensure that their workers could not fall below these thresholds in terms of their net incomes, with our survey finding workers on all platforms who were earning less than these amounts.



Fair Conditions

There was a sharp dichotomy here. Grab and Gojek's two services plus Paxel had policies and practices to protect workers from risks arising at work, including accident insurance and emergency helplines. They also provided further support for workers that could include some form of access to health insurance, sick pay compensation for those infected with COVID-19, access to food and services discounts, training for workers and families, and other wellbeing initiatives. We were not able to evidence any of these initiatives from the other platforms: Anteraja, Ninja Xpress and the two Maxim services (Maxim Ojek and Maxim Taxi).



Fair Contracts

Most of the platforms had clear, accessible terms and conditions for workers that were subject to Indonesian law. However, none of the platforms was able to evidence that these terms and conditions fairly shared risks and liabilities between workers and platforms



Fair Management

Grab and Gojek's two services have a documented, clear mechanism and policy for communication channels between workers and platforms that extends to workers who have been deactivated from the platform but wish to appeal that decision. Grab and Gojek have also developed policies and initiatives that seek to address key local discriminations and inequities. Unfortunately, none of the other platforms could evidence any of these things.



Fair Representation

While the platforms we scored have organised activities such as worker focus groups, these have been controlled by the platform and thus do not provide the basis for independent collective voice. Worker associations exist, but they are not formally recognised either in law or by platforms, and some workers are wary of joining collective protests or strikes due to fear of penalties from the platform, such as deactivation. As a result, no platform was able to evidence fair representation of gig workers.

Platform in Focus:

Grab

				Total			
	Principle 1: Fair Pay		Pays at least the local minimum wage after costs		Pays at least a local living wage after costs		0 POINTS
	Principle 2: Fair Conditions		Mitigates task-specific risks		Provides a safety net		2 POINTS
	Principle 3: Fair Contracts		Provides clear and transparent terms and conditions		Does not impose unfair contract terms		1 POINT
	Principle 4: Fair Management		Provides due process for decisions affecting workers		Provides equity in the management process		2 POINTS
	Principle 5: Fair Representation		Assures freedom of association and the expression of collective worker voice		Supports democratic governance		0 POINTS

Grab overall score  **05**¹⁰

The ratings achieved by platforms in Indonesia are relatively low, and indicate significant room—and need—for improvement if gig workers are to enjoy anything like decent work standards. Within this generally poor performance, Grab achieved the joint-top score of 5 out of 10. Grab is a digital platform headquartered in Singapore and operating across eight countries in Southeast Asia. It first started in 2012 in Malaysia as MyTeksi, expanding and becoming GrabTaxi in 2013, and Grab in 2016. GrabTaxi launched in Indonesia in mid-2014 with GrabCar (car taxi) as the first service offered by the company, followed by GrabBike (motorcycle taxi) in November 2014.

Through a combination of desk research, worker surveys and engagement with the platform, we found sufficient evidence to award five of the possible ten Fairwork points. In relation to fair conditions, for example, Grab has sought to address working conditions for its workers through a raft of measures including provision of accident insurance, an emergency help button, discounted access to goods and services such as health insurance and care, an extensive training programme, and COVID-19-related sick pay. In relation to fair management, its contract specifically discusses zero tolerance on sexual harassment with a clear definition of what constitutes an act of sexual harassment and the legal consequences of any violations. In

collaboration with Komnas Perempuan (the National Commission on Violence Against Women), Grab has held training for its employees and drivers on sexual harassment prevention in the workplace. It has also instituted LadyGrab, a recruitment initiative for women, which enables women drivers to have the option to take food or goods delivery only, thus limiting direct physical contact with passengers in motorbike taxis. Grab has a regular recruitment process for people with disabilities, and has introduced special features that can be used by these drivers. It has also demonstrated a positive direction of travel. For example, during its engagement with the Fairwork team, Grab brought forward some developments including

the introduction of an appeals mechanism for workers who are deactivated or temporarily inactive (contributing to principle 4.1). It has also introduced a process of systematic interaction with workers prior to any changes to the code of conduct (contributing to principle 3.1).

On the other hand, pay remains the highest-priority issue for workers. Grab has followed the regulations of the Ministry of Transportation for a per-kilometre payment for

on-demand transportation-related services. However, given the total number of working hours—including wait time—that workers have to dedicate to the platform, plus their work-related costs, this is insufficient to guarantee that workers will earn a net hourly income above either living or minimum wage levels. Grab—like all the platforms we rated—therefore fails to deliver on the promise of fair pay. Its contracts with workers treat them as independent rather than

dependent entities, unfairly loading liabilities onto workers and recusing the platform from responsibility to engage with disputes that may arise between workers and consumers. Finally—and acknowledging the challenging environment of labour relations and representation in Indonesia—the platform has yet to find a way to enable the independent and collective expression of worker voice, or to engage in processes of collective bargaining and representation.



Source: Arya Manggala / Shutterstock.com

Workers' Stories



Marsya*

GoRide

Marsya has been driving for Gojek since 2014, when the company was still a call-centre directory and a year before they launched their application. Before that, Marsya had been a full-time homemaker but after her husband abandoned her and their three children, she had to become the family breadwinner. When she learned that one of her friends could support his family well by working as a driver for Gojek, she decided to try her luck with the company.

When she joined Gojek, being a female driver was an uncommon career choice and frowned upon by society. “I know a lot of female drivers who had to hide their jacket from their family or when they were in public because they did not want other people to find out that they were working as a Gojek driver,” Marsya told us. “I also heard that many of them were not supported by their family in the beginning. I’m lucky because my family never have any problem with my job.” While in recent years the way society perceives female drivers has improved, Marsya and her female colleagues are still vulnerable to gender-based discrimination

and misconduct victimisation. Marsya had several male customers who abruptly cancelled their order because of her gender. She also once took a GoRide order from a male customer who touched her inappropriately during the ride. However, “Unlike others”—she told us—“I’m brave enough to stand up for myself through confrontation with those customers.”

Gojek has taken several initiatives to protect female drivers from harassment and create a safer working environment. One of the initiatives is encouraging female drivers to actively participate in Srikandi Gojek, an informal group chat for female drivers. By taking part in Srikandi Gojek, female drivers can develop a tight-knit community to provide emotional and moral support. Marsya was not interested in becoming part of Srikandi Gojek, despite her friends telling her how fun the chat group was—that they liked to hang out together and help each other when they had trouble while working. Marsya was never interested in joining the group, she told us, “because I would rather use my free time working instead of hanging out with other drivers.”

***Names changed to protect worker identity**



Bayu*

Maxim Bike

Before joining Maxim Bike as a driver in 2019, Bayu had worked for more than three years for one of the largest ride-hailing platforms in Indonesia. He had been suspended from the platform following a technical problem with the app's log-in process, which requires drivers to submit a real-time selfie which is automatically scanned and matched with their ID in the system. Bayu explained: "When I was trying to open my account, the system went down. So I had to re-open my account, but I could not finish the process because I failed the face verification process thrice. After that, I received a notification that the company has suspended my account." Mandatory facial verification for drivers is a platform policy to promote safer working practices, to ensure that accounts are not used by other people. However, the facial verification process is prone to faults, for example, when the app system crashes (as in Bayu's case) or if the driver's internet connection drops. Bayu tried to appeal his suspension by contacting the platform's operational office in his town. However, his appeal was rejected by the operational manager who insisted that Bayu's suspension was in accordance with the platform's code of conduct.

Living in Jakarta as a high school graduate without vocational skills and working experiences, it was not easy for Bayu to find another job other than working as a driver for ride-hailing platforms. Bayu was therefore going to apply for another large ride-hailing

platform, but it had frozen the recruitment process for new workers to avoid too great an excess ratio of drivers to customers. However, after being told that Maxim was still recruiting, Bayu decided to apply. In the beginning, he was anxious that he would suffer an income drop because Maxim was less popular and provided fewer services than its competitors. Bayu has managed to maintain his income level and support his family, but he has to work more than 12 hours a day to do so.

Bayu mentioned that most of Maxim's drivers are just like him, meaning that they started working for Maxim after being suspended from their old platforms. Besides ex-drivers from other platforms, Bayu told us that many of his fellow drivers are people who were being laid off due to the COVID-19 pandemic. He said that many joined Maxim because the application window is open more often, and the application process is less complicated compared to other platforms. Having joined Maxim in 2016, Bayu told us that he has since grown out of the job: "I am tired of working on the road all day for long hours. I want to be a salaryman who works inside an office building, but being a freelancer is not a bad idea either." That said, he's well aware that he doesn't have many options available to him, and being a driver is the best at the moment. Therefore, he will continue working for Maxim until he finds something better.

***Names changed to protect worker identity**



Rossa*

GrabBike

Rossa used to work as a cleaning lady, earning below the minimum wage for nearly 15 years. However, this income—combined with an uncertain income from her husband—was not enough to support her three school-aged children. In order to improve the family financial situation, Rossa therefore quit her job and started looking for a better one. As a woman in her late 30s with limited skills and experience, Rossa did not have a lot of options. After hearing that anyone could make a reasonable wage while working flexibly as a driver for ride-hailing platforms, Rossa decided in late 2018 to work for Grab. She told us: “It was difficult for me to find a better job that will pay me well. I tried to run a small enterprise, but I failed. I heard that you could make a lot of money while working freely as a Grab partner. When I heard that Grab was recruiting for a new batch of drivers in Cibubur, I decided to send my application. For someone like me, this is the only way to earn more money.” After almost three years working as a GrabBike driver, Rossa has never regretted her choice. She earns enough to support

her children in a single-parent household since her separation from her husband in early 2020. The flexible working hours also enable her to balance her responsibility as a mom and breadwinner.

However, there are added challenges that come with being a woman driver. She has experienced many acts of discrimination and is vulnerable to sexual harassment by customers. Her orders have sometimes been cancelled simply because she is a woman. While Rossa has never encountered any form of direct sexual harassment from customers, she has been told of the bad experiences of her fellow women drivers. In order to minimise the risk and try to improve her safety, Rossa joined the LadyGrab programme—a programme launched by Grab to increase work safety for women drivers. Members of the LadyGrab programme are prioritised for food delivery and package delivery services, and not given orders for the ride-hailing service. Joining the programme has made Rossa feel safer because it minimises her direct contact with customers.

*Names changed to protect worker identity



Source: Yudhi83 / Pixabay.com

Themes in Focus:

Gender, Worker Communities, and COVID-19

Precarious work has historically been conducted mostly by women,²⁸ and women's employment has become increasingly precarious in recent years; in part because of their participation in the on-demand or gig economy, which largely consists of precarious employment. Despite this, there have been few attempts to research the effect of the gig economy on gender at work, especially in Indonesia.

Gender in the Ride Hailing and Delivery Gig Economy

There have been identified benefits of gig work for women. Research shows a substantial degree of inclusiveness, anonymity and flexibility associated with digital and platform working, with associated gender-based benefits for those with family responsibilities based on gender.²⁹ However, the share of women working in particular sectors of the gig economy is significantly lower than that of men. Research conducted in 2018 regarding decent work conditions of Gojek drivers in three cities in Indonesia showed that women constituted less than 10% of the total number of drivers.³⁰ Female respondents in the Indonesia Fairwork

team's research only constituted 15% of overall ride-hailing and delivery workers.

What is the underlying reason for this? In theory, the gig economy's equal-opportunity nature is supposed to be one of its strongest assets. The female workers interviewed in this study also stated that its flexibility was one of the main reasons why they choose gig work. Their income as gig workers is also helpful to add to their family income, as some of them previously did not work or—as seen in the worker stories included in this report—it may be the only source of income for their household.

On the other hand, most of the female workers we talked to also acknowledged that their job is very risky. They face many challenges while

doing their job, from experiencing work-related accidents to sexual harassment. As evidenced by our worker case studies, experience of sexual harassment is fairly widespread among female platform workers. They also suffer discrimination, as seen with the examples of female workers who experience cancellations due to the reluctance of some male passengers to be driven by female drivers; an experience that had never been experienced by the male workers we talked to. It is also worth noting that on average, female workers earn less than their male counterparts; one of the reasons being their shorter working hours, because female workers feel unsafe to work late at night, and because they have greater household responsibilities than men.

While the proportion of female workers

in ride-hailing and delivery services may be relatively small, their absolute numbers are high, and—following protests by some women workers—this has led some platforms to respond by seeking to offer protections to female workers. For example, as mentioned elsewhere in this report, Grab has introduced its “LadyGrab” programme, which blocks women from receiving ride-hailing orders, directing them instead to food and package delivery orders which avoid the need for direct contact with customers. This is not ideal, since it shows that the clients themselves are a threat for these female workers, and it forces those workers to forgo a significant area of income-generating opportunities. Grab also collaborates with the National Commission on Violence against Women to conduct sexual violence prevention training for female drivers for its GrabFood and GrabExpress services.

Worker Communities and Labour Unions

Indonesia’s gig workers have long been associated with strong solidarity,³¹ and it is common to see gig workers establishing a geographical-based community in many places in Indonesia. For example, there are currently more than 1000 driver communities in Jakarta alone. Some examples of geographical-based communities that we found during our interviews with workers are Comot (Community Mobil Online Tambut), Sahabat 212 Bedahan Sawangan Depok, and GGS (Gojek Grab Saudara). There are also several gender-based communities that exist, such as Srikandi, Lady Grab Jabodetabek, Lady Leader, and Lady Merah Putih.

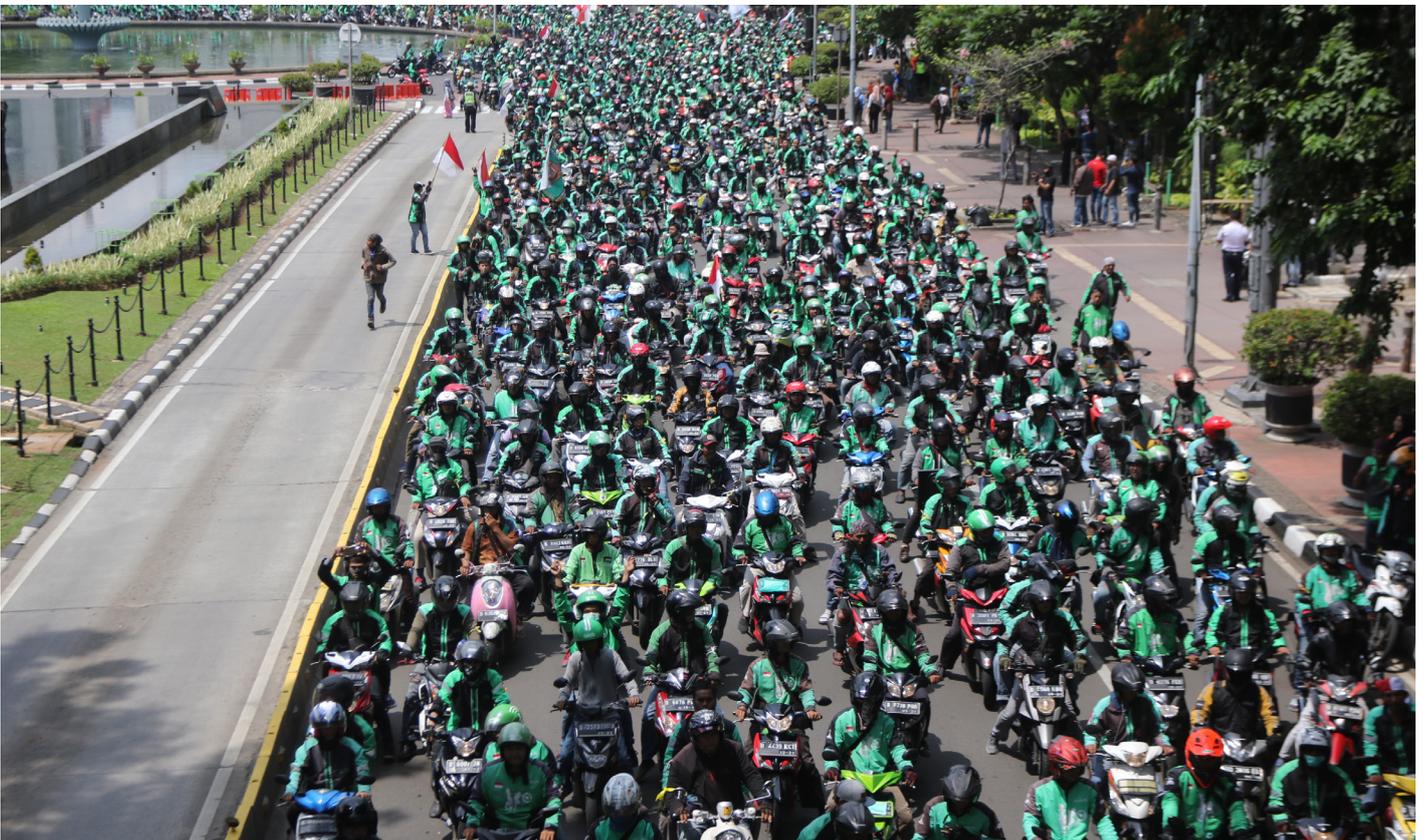
In the absence of a shared physical workplace, these workers use social media platforms such as WhatsApp and Facebook to maintain connections within their communities. WhatsApp

groups are used within this community to allow drivers to connect and help each other by sending reports in the event of an incident such as vehicle breakdowns, illnesses, accident, or road closure, as some of our worker interviews indicated:

“We usually have a kopdar (offline meeting) once a month, but we talk virtually to each other in our WhatsApp group almost every day about the situation on the street. Even when there is someone who got ill, we organise through WhatsApp group and give donation.” (Grab driver)

“In the pandemic era like this, it is important to stay sane and communicate with each other ... just to make sure that we are all still alive!” (Grab driver)

The problem is, despite the relatively large number of communities, and even associations, that exist among gig workers in Indonesia, none of them is recognised as an actual labour



Source: Arya Manggala / Shutterstock

Source: windu_dolan / Shutterstock.com



cases brought to Indonesian courts to challenge the employment status of gig workers. Due to the complicated nature of industrial relations dispute settlement in Indonesia, only with the backing of a strong and experienced trade union would it be possible to bring a case to the labour court.

However, this does not mean that gig worker groups in Indonesia have been inactive. Instead, they tend to use a more 'collective pressure' approach, such as demonstrations and strikes, in order to fight for their rights. Indeed, the emergence of ride-hailing in Indonesia has been marked by a number of large-scale protests; for example in 2018 when pressure on platforms and government led to regulation of per-km pricing in the sector.³³ In 2021 alone, there were at least four strikes conducted by gig workers in Indonesia. Problems related to harsh working conditions, injustice, and the decline of income due to the pandemic became the main issues in those strikes. However, until there are changes in the legal provisions relating to labour unions, it will not be easy to transform these solidarity-based communities into a solid union that would have greater power, for example, to pressurise for legal changes around employment status.

Indonesian Gig Workers and COVID-19

During the COVID-19 pandemic, gig workers in Indonesia have found themselves in a vulnerable situation for at least two main reasons. First, as we have already noted in this report, Indonesian gig workers are considered to be independent workers. This means that they could bear considerable risks associated with their jobs, from health and safety risks to financial loss. For example, most ride-hailing drivers told us that working during the pandemic posed significant health risks, given their proximity to potentially infected passengers.

Second, the gig economy is contingent

union. One important reason is that labour unions in Indonesia, which are regulated through Law Number 21 of 2000, are still defined very narrowly, making it hard for workers that are not considered to have a formal employment relationship to form a labour union. For example, Asosiasi Driver Online (ADO), established in 2017 and now one of the biggest online driver associations, states that they are legally registered as an association, not a labour union.

This problem is also acknowledged by labour unions. Some of them are

therefore trying to reach out to gig workers to join their organisations, since the possibility of gig workers forming their own union is limited. The Federation of Indonesian Metal Workers Union, for example, has recruited ride-hailing drivers as members. However, it turns out that the union itself has limited resources to organise outside its traditional base, therefore, this attempt is not seen as particularly successful.³²

The lack of labour unions among gig workers might be one of the reasons why there have not yet been any

on the demand for services. However, the restrictions imposed by the Indonesian government to contain and mitigate the spread of the COVID-19 virus undoubtedly affected the demand for services that involve physical contact and movement of people, such as ride-hailing. Our interviews with ride-hailing workers indicated that the demand for their work declined significantly due to these public health measures. Hence, their income has also declined significantly. The combination of these factors has put many drivers in a difficult position, because they and their families have come to rely on their gig platform income—this being the sole income source for most workers. Therefore, they and their families have faced the desperate choice between poverty or risk of infection.

Some platforms—the larger ones rather than the smaller ones—have made some efforts to change the nature of engagement between customer and worker. Food and goods delivery to customers was made ‘contact-free’. In the ride-hailing sector, some platforms introduced vehicle disinfection

stations, set a limit on the number of passengers in one vehicle, and introduced extra protections like a plastic partition between drivers and passengers. However, these features were only available for customers who were willing to pay extra, leaving many without protection and, more generally, the focus of these measures was protection of passengers in an attempt to mitigate loss of demand, rather than protection of workers. There was temporary introduction of sick pay, compensating workers on a short-term basis for days they were not able to work due to COVID-19, but its implementation in practice has not been investigated, and it has not been rolled out more generally to apply beyond the particular instance of COVID-19.

Apart from the serious challenges faced by gig workers, the COVID-19 pandemic has also led to the evolution of a new business model for gig economy activity. Alongside the contact-free redesign of services already mentioned, many local restaurants or small and medium

enterprises have joined delivery apps as a way to continue their operations in the absence of in-person dining or shopping. Thus, in almost a complete contrast to the situation for ride-hailing, this has contributed to an increase in the demand for delivery services during the pandemic. For those with access to a “super-app” covering multiple services, this has enabled some cross-service compensation, as workers shifted away from ride-hailing towards delivering food or e-commerce purchases.

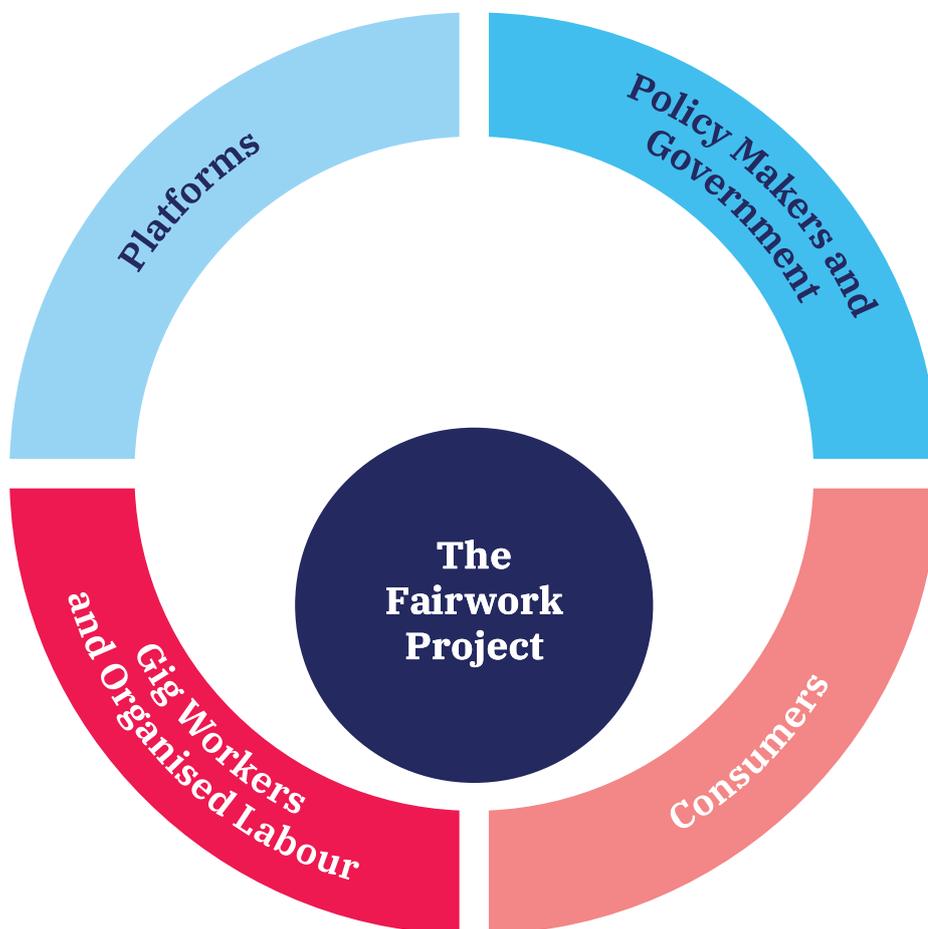
So we can see that during the pandemic, gig economy activity in Indonesia has been shaping new forms of business. While this clearly reflects the inherent dynamism of the gig economy, it also poses an important challenge for policymakers to meet the real safety concerns of gig workers while maintaining the benefits of these services for consumers. Structural policy reforms aimed at promoting higher quality jobs are therefore needed to help mitigate the worst effects of the pandemic.



Source: Safir Makki / CNN Indonesia

Next Steps for Indonesia's Gig Economy

This report is the first application of the Fairwork principles in Indonesia. We have established a baseline for the current situation of the country's gig economy, which will let us study its development and update our ratings on an annual basis.



Fairwork's Pathways to Change

As Fairwork's reach and visibility increase, we see four avenues to improve the working conditions of Indonesian gig workers.

1.

Our first and most direct pathway to improving working conditions for workers is by engaging directly with the platforms. We recommend that platforms adopt four measures that can improve working conditions:

- Platforms should ensure that no worker can earn less than the minimum wage after costs. Platforms have already shown their willingness to engage with minimum payment guidelines via their adherence to minimum per-kilometre rates, and so moving to a minimum wage threshold should be feasible.
- Platforms should create a transparent and even-handed process in formulating their workers' policy. Platforms need to ensure that significant changes are discussed fully with workers; particularly where they impact income levels on which workers have come to rely.
- Workers should be granted the right to collectively voice their concerns where a platform's policy has a negative impact on their working conditions.
- Workers should also be able to appeal disciplinary decisions through a fair and accountable mechanism.

2.

We also plan to engage with the government and policy makers to advocate for the rights and protection of gig workers:

- The government needs to set a standard that would make sure workers receive at least a minimum wage after accounting for costs and without having to work overtime. Many Indonesian gig workers heavily rely on gig work as their only source of income. Therefore, ensuring fair pay for workers is essential not only to improve their livelihoods but also to more broadly

address issues of income inequality in the country.

➤ The government should also regulate the employment relationship between platforms and workers. Currently, Indonesian labour law does not require platforms to recognise gig workers as employees. As a result, platforms tend to misclassify workers as “partners” to avoid the obligation of providing employment benefits, paid leave, company-paid insurance, and pensions. While full recognition of employee status is the ideal, the key issues that need to be addressed by new legislation are those reflected in the Fairwork scores: pay falling below

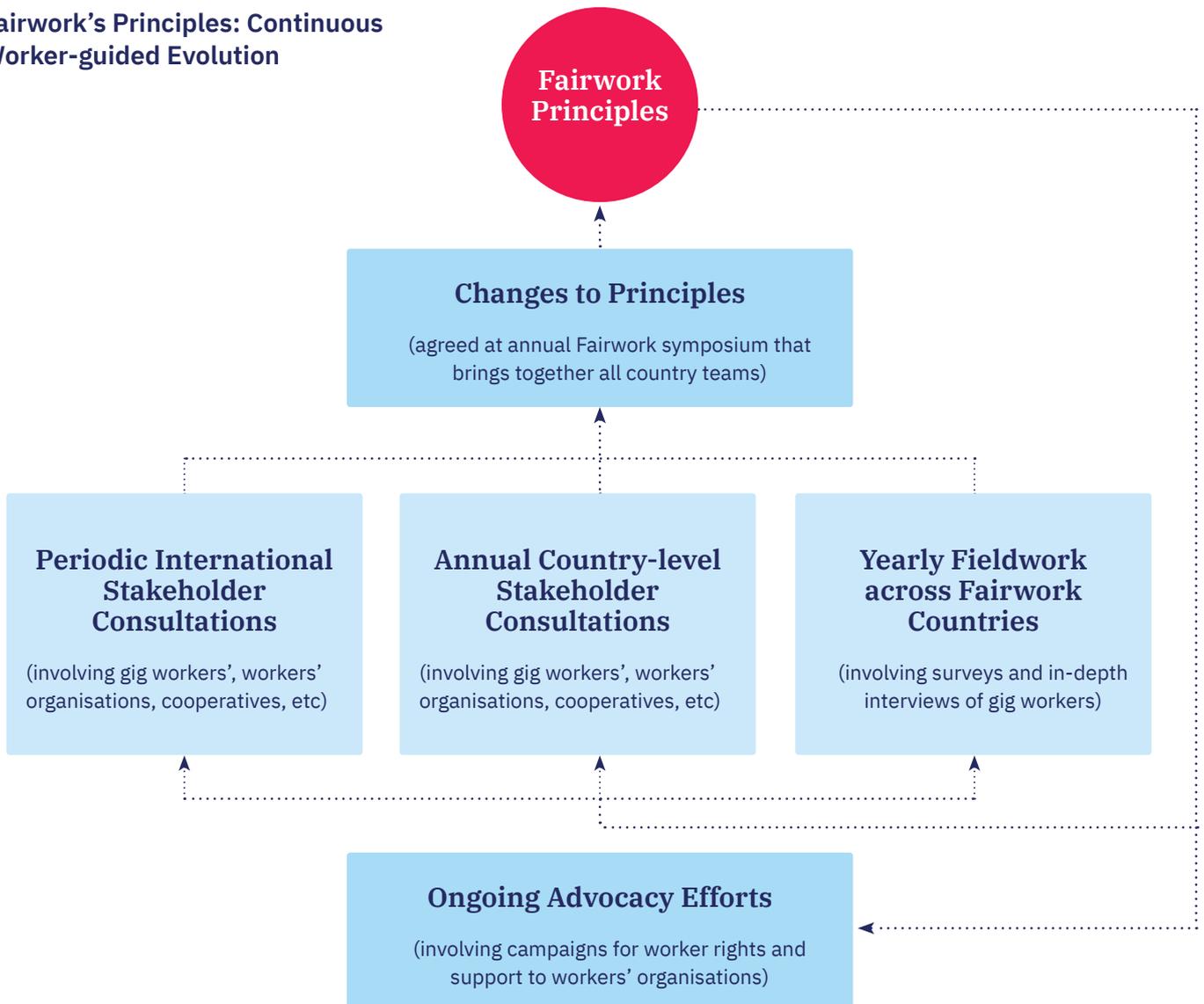
minimum wage levels, lack of paid sick leave, lack of insurance, lack of due process and fair treatment in relation to dismissal, and lack of rights to collective representation.

3.

Fairwork’s theory of change draws on the understanding that human empathy is a powerful force. Given enough information, many consumers can make more informed choices about the platforms they choose to interact with. Our yearly ratings will help Indonesian consumers to use their power to put pressure on platforms, particularly by choosing

to do business with platforms which provide better conditions for workers. In this way, we will enable consumers to be workers’ allies in the fight for a fairer gig economy. Beyond individual consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. The scores can serve as a reference for Indonesian institutions and companies who want to ensure they are supporting fair labour practices and, as discussed below, they can sign up to the Fairwork Pledge.

Fairwork’s Principles: Continuous Worker-guided Evolution



4.

Finally, and most importantly, we aim to support workers in asserting their rights and requirements in a collective way. A key challenge in the gig economy is that workers are often isolated and placed in competition with one another while lack of legal standing for worker associations limits their ability to project a unified voice and push for structural changes. Our principles can provide a starting point for envisioning a fairer future of work, and setting out a pathway for workers' advocacy. Principle five in particular, on

the importance of fair representation, is a crucial way in which we support workers to assert their collective agency. As well as seeking action by government to change the law on collective representation of gig workers, it is workers themselves who can come together to enable change.

There is nothing inevitable about poor working conditions in the gig economy. Notwithstanding their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis

for denying them the key rights and protections that their counterparts in the formal sector enjoy. Our scores show that the gig economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work highlights today's gig economy's contours and paints a picture of what it could become.

The Fairwork Pledge:

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

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners; for example by committing to using better-rated platforms where there is a choice.

To date, organisations in Germany, India, Kenya, Turkey, and the UK have signed up as Supporters and Partners, and we look forward to those in Indonesia following these examples. More information is available about the pledge, and how to sign up, on the Fairwork website:

<https://fair.work/en/fw/join-the-pledge-together-for-platform-work/>.



Appendix:

Fairwork Scoring System

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country stakeholder meetings held in India (Bangalore and Ahmedabad), South Africa (Cape Town and Johannesburg) and Germany (Berlin). Each Fairwork

Principle is divided into two thresholds. Accordingly, for each Principle, the scoring system allows one 'basic point' to be awarded corresponding to the first threshold, and an additional 'advanced point' to be awarded corresponding to the second threshold (see Table 1). The advanced point under each Principle can only be awarded if the basic point for that Principle has been awarded.

The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point. A platform can therefore receive a maximum Fairwork Score of ten points. A platform can therefore receive a maximum Fairwork Score of ten points. Fairwork scores are updated on a yearly basis.

Table 1 Fairwork Scoring System

Principle	Basic point		Advanced point		Total
 Fair Pay	1	+	1	=	2
 Fair Conditions	1	+	1	=	2
 Fair Contracts	1	+	1	=	2
 Fair Management	1	+	1	=	2
 Fair Representation	1	+	1	=	2

Maximum possible Fairwork Score





Principle 1: Fair Pay

Threshold 1.1 – pays at least the local living wage after costs (one point)

Irrespective of the employment status of the worker, workers earn at least the local living wage after work-related costs are taken into account, or there is a policy which requires payment above this level.

The threshold for 1.1 is based on the Indonesia local living wage (for Jakarta: IDR12,977 per hour (c.US\$1)). In order to be awarded this point, there must be either:

- A policy that guarantees that workers receive at least the local living wage after costs during their active working hours; or
- Evidence that workers cannot earn below the local living wage after costs

Threshold 1.2 – pays at least the local minimum wage after costs (one additional point)

Workers earn at least the local minimum wage after work-related costs, or there is a policy which requires payment above this level.

The threshold for the minimum wage after costs is based on the official minimum wage in Jakarta (IDR24,577 per hour (c.US\$1.7)). In order to establish a threshold, the platform is asked to provide an estimate for work related costs, which are then checked (by the Fairwork team) through worker interviews. To be awarded this point, there must be either:

- A policy that guarantees that workers receive at least the local minimum wage after costs during their active working hours; or
- Evidence that workers cannot earn below the local minimum wage after costs.

Note: the terminology of ‘living wage’ and ‘minimum wage’ is reversed in Indonesia compared to most of the countries in which Fairwork operates



Principle 2 : Fair Conditions

Threshold 2.1 – Mitigates task specific risks (one point)

There are policies to protect workers from risks that arise from the processes of work.

This threshold requires the platform to ensure that there are safe working conditions, and that potential harms are minimised.³² For 2.1, this means identifying the task-specific risks for the worker when, for example, a vehicle is used, or there is interaction with customers. The specific practices leading to the awarding of this point may vary by the type of work and the risks involved.

To be awarded a point for 2.1, the platform must demonstrate that:

- There are policies or practices in place that protect workers’ health and safety from task-specific risks

Table 2 Weekly earnings table²⁶

		WORKER EARNINGS AFTER COSTS (E)			
		e < M	M ≤ e < 1.5M	1.5M ≤ e < 2M	2M ≤ e
ACTIVE HOURS (H)	h < 0.9F (part-time)	%	%	%	%
	0.9F ≤ h < 1.2F (full-time)	%	%	%	%
	1.2F ≤ h (full-time plus overtime)	%	%	%	%

Notes: h = Average active hours worked by worker per week; e = Average weekly earnings of worker; F = the number of hours in a local standard working week; M = the local weekly minimum wage, calculated at F hours per week. The rows represent workers who work part-time, full-time, and more than full-time. The percentages in each row should add up to 100 %; The table is to be filled with four columns of data: Column^[2] with the percentages of part-time, full-time, and full-time with overtime workers who earn less than the minimum weekly wage (X), and so on until Column^[5].

Threshold 2.2 – Actively improves working conditions (one additional point)

There are proactive measures to protect and promote the health and safety of workers or improve working conditions.

For 2.2, the threshold is higher, involving practices that go beyond addressing the task-specific risks addressed by 2.1. This means a policy that goes beyond ameliorating the direct task-specific risks, by promoting greater health and safety or improvements in working conditions, beyond what is specified by local regulations for employment. For example, an insurance policy that covers workplace accidents would meet the threshold for 2.1, while one that also covers the worker or their family outside of work would meet 2.2. As policies and practices may be focused on the specific form of work, the examples that meet the threshold may vary by the type of work.

To be awarded a point for 2.2, the platform must demonstrate that:

- There is a documented policy (or policies) that promotes the health and safety of workers or improves working conditions, going beyond addressing task-specific risks.



Principle 3: Fair Contracts

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

The terms and conditions are transparent, concise, and provided to workers in an accessible form.

The threshold for 3.1 involves demonstrating that the terms and conditions of the contract issued to workers are available in an accessible form.³³ Platforms must demonstrate that the contracts are accessible for workers at all times, whether through the app itself or direct communication with the worker. This is necessary for workers to understand the requirements of their work. The contracts should be easily understandable by workers, and available in the language/languages commonly spoken by the workers on the platform.

To be awarded a point for 3.1, the platform must demonstrate all of the following:

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

Threshold 3.2 – Does not impose unfair contract terms (one additional point)

The terms of service are free of clauses which unreasonably exclude liability on the part of the platform.

Platforms must be able to demonstrate that the contract is free of clauses that unreasonably exclude liability on the part of the platform for harm caused to the workers in the course of carrying out their duties.

To be awarded a point for 3.2, the platform must satisfy both of the following:

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



Principle 4: Fair Management

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

There is a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There is a clear channel of communication to workers involving the ability to appeal management decisions or deactivation.

The threshold for 4.1 involves a platform demonstrating the existence of clearly defined processes for communication between workers and the platform. This includes access by workers to a platform representative, and the ability to discuss decisions made about the worker. Platforms must be able to evidence that information about the processes is also easily accessible to workers.

To be awarded a point for 4.1, the platform must demonstrate all of the following:

- The contract includes a documented channel for workers to communicate with a designated representative of the platform; and,
- The contract includes a documented process for workers to appeal disciplinary decisions or deactivations; and,
- The platform interface features a channel for workers to communicate with the platform; and,
- The platform interface features a process for workers to appeal disciplinary decisions or deactivations; and,
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.

Threshold 4.2 – Prevents discrimination and promotes equity (one additional point)

There is evidence that the platform is actively seeking to not only prevent discrimination against workers from disadvantaged groups but also to identify and remove barriers to their inclusion.

To be awarded a point for 4.2 the platform must demonstrate all of the following:

- It has a policy which guarantees that it will not discriminate against persons on the grounds of race, gender, sex, sexual orientation, gender identity, disability, religion or belief, age or any other status which is protected against discrimination in local law; and,
- Where persons from a disadvantaged group (such as women) are significantly under-represented among its workers, it has a plan to identify and remove barriers to access by persons from that group, resulting in improved representation; and
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief; and
- If algorithms are used to determine access to work or remuneration, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups; and

It has mechanisms to reduce the risk of users discriminating against any group of workers in accessing and carrying out work.



Principle 5: Fair Representation

Threshold 5.1 – Includes freedom of association and worker voice mechanisms (one point)

There is a documented process through which worker voice can be expressed. There is no evidence of freedom of association being prevented by the platform. There is no evidence that platforms refuse to communicate with designated representatives of workers.

The first step for the justification of 5.1 is establishing the platform's attitude towards and engagement with workers' voices. This includes both listening to and responding to worker voice when raised with the platform, as well as documenting for workers the process for engaging the platform in dialogue. Workers should be able to organise and associate with one another, regardless of employment status. Workers must not suffer discrimination for doing so. This includes the freedom to associate beyond the remit of organisational spaces (for example, via instant messaging applications).³⁵

To be awarded a point for 5.1, a platform must demonstrate that:

- There is a documented process for the expression of worker voice.

Threshold 5.2 – Recognises collective body that can undertake collective representation and bargaining (one additional point)

There is a collective body of workers that is publicly recognised and the platform is prepared to cooperate with collective representation and bargaining (or publicly commits to recognise a collective body where none yet exists)

This threshold requires the platform to engage with, or be prepared to engage with, collective bodies of workers that could take part in collective representation or bargaining. The collective body must be independent of the platform. It may be an official trade union, or alternatively a network or association of workers. Where such organisations do not exist, the platform can sign a public statement to indicate that they support the formation of a collective body.

To be awarded a point for 5.2, the platform must:

- Publicly recognise an independent, collective body of workers or trade union and not have refused to participate in collective representation or bargaining;

If such a body does not exist, it must:

- Sign a public statement of its willingness to recognise a collective body of workers or trade union.

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