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The International Labour Organization (ILO) sets key standards for independent contractors, and ride-hailing and delivery app workers

The ILO defines them as digital platform workers, like the Argentine Labor Modernization Act

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The newly-adopted **Convention No. 193** by the **International Labour Organization (ILO)** accepts **independent contractors as digital platform workers**, just like the Argentine Labor Modernization Act No. 27802, Title XII.

Argentina has yet to ratify ILO Convention No. 193, which will face a mandatory debate in the National Congress. Its debate and drafting process saw countless revisions and amendments, as **it allows each member state the freedom to choose its own regulatory framework**, including self-employed or independent

contractor status for individuals operating as rideshare drivers, couriers, or delivery workers.

Labor Reform: ILO made a key decision for independent contractors (known locally as *monotributistas*)

Indeed, the ILO text repeatedly makes reference to "the differences among Member States regarding the development of the platform economy, as well as the **diversity of business models and work arrangements**", so "Each Member shall pursue, in their national policies and according to national circumstances, measures to promote the creation of **decent work**". Actually, the text says "regardless of their classification of status in employment".

Essentially, the Convention acknowledges both paths: workers can either be classified under a collective bargaining agreement as traditional employees, or operate as self-employed contractors without an employment relationship.

Chapter VII Article 9 of the Convention establishes that "Each Member shall take **appropriate measures to ensure the correct classification** of digital platform workers **in respect of the existence or non-existence of an employment relationship**, guided mainly by the facts relating to the performance of work".

Strictly speaking, Convention No. 193 contains many ambiguous provisions that clash with a clear classification, despite assertions that the system adopted by each member state must clearly establish the regulatory framework, the legal classification, and—in the case under analysis—the specific criteria characterizing an independent contractor, such as allowing self-employed individuals to log on according to their own availability, and their right to decline gigs at will. **Operational independence is a key component of self-employment.**

Article 10 paragraph 3 states that remuneration, tips or other gratuities according to the applicable statutory or negotiated minimum wage shall be “**provided to digital platform workers who are not in an employment relationship**”.

In other words: **what happens under comparative law in the world of emerging technologies for digital platform workers?**

Generally speaking, based on best practices, customs and usages, digital platform workers are likened to independent contractors, which in Argentina are most commonly called "*monotributistas*".

Independent contractor agreements can include rules to mitigate liabilities. This has already occurred in several Argentine provinces, where **passenger transit regulations have introduced requirements such as mandatory professional driver's licenses subject to specific rules**, limitations, and training. Additionally, vehicles must meet specific conditions regarding maximum age limits and maintenance and safety standards, undergo annual safety inspections, and carry third-party liability insurance covering passengers, alongside personal accident insurance for the driver.

Article 14 bis of the Argentine Constitution contains a truly emblematic phrase applicable to the world of work and emerging technologies: “**Work in its different forms shall be protected by law...**” In addition, the Argentine Civil and Commercial Code outlines various contract types – including service, works, agency, brokerage, distribution, and transport agreements – that establish the parties as independent contractors rather than employer and employee. Consequently, these agreements are governed by civil and commercial law rather than traditional labor and employment law.

In fact, the Regulatory Framework for Ride-hailing and/or Delivery Services (Régimen de los Servicios Privados de Movilidad de Personas y/o Reparto) using Digital Platforms is one of the first substantive laws to regulate contracts among

independent contractors, in line with many of the provisions under ILO Convention No. 193.

In effect, **the enforcement of the Labor Modernization Act is expected to help create jobs** driven by exponential technologies, and promote employability so that -with the right training and education- everyone can access decent work.