

ILO Convention No. 193:

Platform Work in Serbia between International Standards and National Implementation

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With the adoption of Convention No. 193 on Decent Work in the Platform Economy, international labour law gained its first binding instrument specifically dedicated to work mediated by digital platforms. The Convention was adopted on 12 June 2026, following two years of consultations. Its significance lies not only in establishing an international standard for this field for the first time, but also in requiring work organised through applications, algorithms and digital accounts to be regulated in accordance with the principles of decent work.

Following EU Directive 2024/2831 on improving working conditions in platform work, the Convention is a second, broader and complementary instrument requiring ratifying states to implement its provisions through national legislation. For Serbia, this means that, alongside the EU Platform Work Directive, there is now another important normative framework against which reform of the Labour Law and related legislation should be considered, particularly if the question of ratifying the Convention is placed on the agenda.

The adoption of the EU Platform Work Directive and ILO Convention No. 193 has therefore established relevant instruments that the legislator could adapt to the domestic context.

The following analysis presents the Convention's most important provisions, briefly compares the approaches taken by the EU Directive and the Convention, highlights the importance of their application to the currently almost entirely unregulated position of online and location-based platform workers in Serbia, and briefly outlines the solutions previously proposed by Re:People for regulating these workers' position within Serbian labour legislation.

Why is ILO Convention No. 193 important?

As Valerio De Stefano, one of the leading legal experts on platform work and algorithmic management, points out in his preliminary analysis, the significance of the Convention does not derive from any single provision, but from the comprehensive framework through which platform work is brought into the system of international labour standards. The Convention covers a wide range of issues, including fundamental rights at work, occupational safety and health, protection from violence and harassment, employment status, remuneration and social security, algorithmic management, data protection, account suspension and deactivation, access to remedies, and the responsibility of platforms and intermediaries.

It is precisely this structure that makes the Convention relevant: it does not treat platform work as a marginal form of engagement, but as work in which familiar labour law problems, such as subordination, dependence, risk and information asymmetry, appear in new institutional and technological forms.

The first key feature of the Convention is that it applies to almost all categories of workers. Self-employed platform workers are, in principle, covered by the instrument as a whole, although certain provisions allow protection to be adapted to different forms of engagement. This is important because formal self-employment often does not amount to genuine independence from the platform that organises and controls the work.

The Convention does not prescribe a single classification model, but requires workers' status to be determined according to how the work is actually performed, rather than how the parties have formally defined their relationship.

This means that, in determining a worker's actual status, the decisive questions are who organises access to work, who sets or influences remuneration, who allocates tasks, who measures performance, who imposes sanctions, and who can restrict or terminate access to income. The Convention thus emphasises that the way work is actually organised matters more for determining whether an employment relationship exists than a worker's formal status. In the digital environment, control is often exercised not through a direct supervisor, but through algorithms that allocate tasks, set prices, rank workers and may restrict or terminate access to the platform.

This does not mean that every form of platform work constitutes an employment relationship. It means that status cannot be determined solely on formal grounds, based on terms defined in advance by the stronger contracting party.

The second key feature concerns algorithmic management. For the first time in an ILO Convention, automated systems used at work are directly regulated. Platforms must inform workers and their representatives about how automated systems are used for monitoring, evaluation and decision-making in relation to work. The Convention also provides for access to a written explanation of significant decisions that adversely affect working arrangements or access to work, as well as review of decisions concerning the non-payment of amounts due, account suspension or deactivation, and the termination of employment or engagement.

The algorithm thereby ceases to be treated as neutral technical infrastructure and becomes a legally relevant mechanism of labour management. The Convention proceeds from the position that decisions affecting access to work and income cannot remain solely the outcome of automated processes, but must be subject to human assessment and effective review.

This also gives rise to the broader idea that De Stefano describes as decent work by design. Labour rights should not be added afterwards as a corrective to technological systems that are already in place, but embedded in the very architecture of the systems that organise work. If an algorithmic system determines access to tasks, income, performance assessment or disciplinary measures, it must be designed from the outset to respect fundamental labour rights, non-discrimination, occupational safety and health, data protection and collective rights.

Criticism from employers' organisations and trade unions

The Convention is the product of difficult negotiations and compromise. From the outset, employers' organisations argued that its broad personal scope blurred the boundary between employment and self-employment, and that the provisions on algorithmic management interfered with platform business models.

A second line of criticism comes from trade unions and civil society organisations, which welcome the Convention but warn of the costs of compromise. Of particular importance is the fact that the accompanying Recommendation was not adopted, although it would have provided additional practical guidance for implementing the Convention. Instead, a Resolution was adopted calling on member states to ratify and implement the Convention and requesting the ILO to provide resources for further action.

Criticism also concerns the substance of the text itself. Some provisions leave states considerable discretion to determine appropriate measures. Social security is linked to the protection available to workers with the same status, which may be restrictive for self-employed workers in countries where the national social protection regime for this group is already weak. Minimum remuneration for self-employed platform workers is not established as a direct entitlement, but as an issue that states should consider. Protection of platforms' commercially sensitive information could, in implementation, become a pretext for limiting transparency. In addition, the provision allowing states, following consultations, to exclude limited categories of platforms or workers from all or some provisions will require particularly careful national interpretation.

These limitations do not negate the instrument's fundamental reach. In keeping with the logic of ILO standards, the Convention establishes a floor of protection, not a ceiling. Its value lies in bringing platform work within the scope of binding international rules, whose national application will depend on the breadth and observance of collective bargaining provisions, judicial practice, and the capacity of trade unions to use the Convention as a normative and political resource.

Convention No. 193 and the Platform Work Directive: similarities, differences and scope

EU Directive 2024/2831 on improving working conditions in platform work and the Convention are complementary instruments. The Directive is territorially limited to the legal order of the European Union, whereas the Convention establishes a broader international framework of protection which, to a significant extent, covers workers irrespective of their formal status.

The Directive introduces a procedural mechanism intended to facilitate the correct determination of employment status, namely a rebuttable legal presumption of an employment relationship where the facts indicate direction and control by the platform. If the platform disputes such status, the burden of proving that no employment relationship exists is shifted to the platform.

Like the Convention, the Directive regulates algorithmic management, access to information, protection from adverse treatment for exercising rights, the role of workers' representatives, and transparency in platform work, including cross-border situations. As with the Convention, legal scholarship indicates that the Directive's actual impact will depend on how member states regulate the presumption of employment and how effectively national institutions prevent avoidance strategies.

Platform work in Serbia: two forms of unregulated work

Platform work in Serbia operates in two structurally different parts of the market. In the online segment, there is a sizeable population of freelancers who generally work outside a conventional employment relationship, often for clients not registered in Serbia. As a result, these workers are most visible in the domestic legal system through their tax treatment, while labour protection, social security, collective representation and access to legal remedies remain less adequately regulated.

There are insufficient official data on location-based platform work, particularly delivery and similar services. Re:People's analyses indicate that platforms generally do not establish a direct

employment relationship with couriers, but engage them through partner companies and, to a lesser extent, through student or youth cooperatives.

The partner-company model is particularly contentious. Under this arrangement, the platform presents itself as an intermediary while workers formally work for another company, even though the work itself is organised through the platform's application, rules, monitoring systems and terms.

The problem is not limited to workers' formal status. The existing legal framework fails to capture the actual chain of organisation, control and responsibility. On paper, a worker employed by a partner company falls under the Labour Law. In practice, the exercise of rights depends on whether intermediary arrangements are effectively supervised and whether it is possible to establish who actually organises the work, controls the conditions of engagement and bears responsibility for compliance with workers' rights.

The legal framework for regulating platform work in Serbia

The shortcomings in the regulation of platform work have a clear normative root. The current Labour Law, whose basic structure dates from 2005, was adopted in a legal and economic context that could not have anticipated today's forms of digitally mediated work. It does not recognise a broader concept of worker, but ties full labour protection to employees in an employment relationship. Self-employment is treated primarily in the context of entrepreneurship, while forms of dependent work are not recognised in existing legislation.

Judicial practice further shows that reclassification of contractual relationships is limited, as traditional features of employment are still often sought in continuity of work, predetermined working hours and conventional organisational subordination. In such a framework, flexibility, which is a defining feature of platform work, may itself become a reason not to recognise an employment relationship, even where the platform exercises factual control over key aspects of the work.

This outdated and restrictive foundation is compounded by the broader problem of incomplete alignment with those parts of European and international labour law that are particularly important for new, non-standard and digitally mediated forms of work. As a candidate country for EU membership, Serbia is required gradually to align its legislation with EU law. In its latest report on Chapter 19, the European Commission states that Serbia made no progress in the field of social policy and employment, should continue alignment with the EU acquis, and should launch consultations on a new Labour Law.

Two more recent EU instruments are particularly relevant to platform work. Directive 2019/1152 on transparent and predictable working conditions is important because it addresses forms of work in which the conditions of engagement are unclear, variable or difficult to predict, including on-demand, casual and platform work. It introduces a broader set of rights to information on essential working conditions, predictability of work schedules, limits on probationary periods, protection against abuse of contracts without guaranteed working hours, and mandatory training at no cost to the worker.

Directive 2019/1158 on work-life balance is relevant in a narrower sense, primarily because of rights to leave and flexible working arrangements for parents and carers, including the possibility of adapting work patterns through remote work, flexible working hours or reduced working time.

Serbia has also been slow to ratify and implement ILO Conventions. According to NORMLEX records, Serbia has not ratified Convention No. 177 on Home Work, although it is conceptually closest to part of online platform work; Convention No. 189 on Decent Work for Domestic Workers, which is relevant to the platformisation of care and household services; or Convention No. 190 on Violence and Harassment in the World of Work, whose approach is now directly relevant to platform work.

Convention No. 193 therefore does not enter a normative vacuum, but a context in which domestic labour law has long lagged behind transformations in the world of work.

How should platform work be regulated in Serbia?

One possible route out of this regulatory gap was proposed in the Ex ante analysis of the effects of public policy options in the field of platform work, prepared for Re:People by the Association for Labour Law and Social Security of the Republic of Serbia. Its starting point is twofold.

The ex ante analysis distinguishes between online and location-based work and proposes a separate mechanism for each segment. For freelancers working for foreign clients not registered in Serbia, it proposes introducing the legal institution of an employer of record: a licensed company with which the freelancer would establish an employment relationship and obtain the protection arising from that relationship, while retaining a significant degree of autonomy and flexibility.

For location-based work, the proposed solution draws on the institution of temporary agency work: the employment relationship would be established either directly with the platform or with a specially regulated agency for the employment of platform workers, while the platform would assume the role of user undertaking and the responsibilities arising from that role.

An important element of this proposal is that the cost of intermediation must not be shifted to the worker. Where an agency or intermediary arrangement exists, the platform, rather than the person performing the work, should bear the related fee. This would address one of the key problems of the current partner-company model, in which workers' formal protection is separated from the actual organisation of work and responsibility becomes difficult to identify.

A second important element concerns algorithmic management. Platforms would be required to provide relevant information about the systems they use to organise work, including the parameters affecting task allocation, evaluation, access to work, income and possible sanctions. This would give the provisions of Convention No. 193 and Directive 2024/2831 a concrete domestic point of application.

The framework should also be supplemented by a clear definition of self-employed persons in the Labour Law, distinguishing between self-employed persons who employ others and own-account workers who have no employees and are in a more vulnerable position. For the latter group, consideration should be given to a set of rights corresponding to their actual economic and

organisational dependence, including sick leave, maternity leave, protection from unilateral termination, limits on working time where applicable, collective rights and access to effective remedies.

In addition, digital platforms that mediate employment should be recognised as relevant actors under the Law on Employment and Unemployment Insurance, with specific supervisory rules, transparency obligations and a clear allocation of responsibilities.

From Re:People's perspective, having advocated for years for the regulation of platform workers' legal status and their access to decent work, both the Directive and the Convention provide an important basis for continuing efforts to regulate platform work.

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