

Determining the Labour-Law Status of Workers under Algorithmic Management on Digital Labour Platforms: Improving the Legislation of Uzbekistan in Light of ILO Convention No. 193

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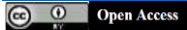
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ABSTRACT

This article examines the problem of determining the labour-law status of persons performing work through digital labour platforms under conditions of algorithmic management. ILO Convention No. 193, ILO Recommendation No. 198, Directive (EU) 2024/2831, the Labour Code of the Republic of Uzbekistan, and relevant national rules are examined comparatively. It is argued that, in the legal assessment of the relationship, priority should be given not to the title of the contract or the formal status of self-employment, but to factual indicators such as the actual organisation of work, remuneration, allocation of tasks, ratings, monitoring, sanctions, and deactivation. “Algorithmic subordination” is proposed not as an independent indicator of an employment relationship, but as a set of criteria demonstrating that the platform’s organisational and managerial authority is exercised through digital means. A two-stage legal approach is proposed for Uzbekistan: first, to provide all persons performing work through platforms with basic guarantees of algorithmic transparency and effective protection; and second, where facts evidencing management and control are established, to introduce a mechanism for determining the existence of an employment relationship on the basis of the factual circumstances.

Introduction

Digital labour platforms are no longer merely technical tools connecting customers and service providers. Some platforms use automated systems to allocate tasks, influence service prices, assess the quality of work, maintain ratings, provide incentives, and impose sanctions. This raises two pressing questions for labour law: (1) is a person performing work through a platform an employee or an independent contractor; and (2) can algorithmic influence be regarded as a digital form of the organisational and managerial authority characteristic of an employment relationship?

Correctly determining legal status defines access to the protective mechanisms of labour law. De Stefano et al. emphasise that, in platform work, the facts concerning the performance of work should prevail over the contractual label [3]. Hießl demonstrates the difficulty of distinguishing employee status from independent-contractor status across different legal systems [4]. Prassl and Risak propose focusing on the employer functions actually performed by the platform [5]. Rosenblat and Stark, as well as Wood et al., show that ratings, pricing algorithms, and information asymmetries may strengthen indirect control even where formal autonomy exists [6; 7]. Veale, Silberman, and Binns regard the right to an explanation and human review of algorithmic decisions as important safeguards [8]. In this respect, legal classification is not merely a theoretical issue: once a person is recognised as an employee, specific protections relating to working time, occupational safety and health, dismissal, material liability, and labour disputes become applicable, whereas misclassification may in practice deprive the person of access to those protections.

In the national literature, P. Abdullayeva has examined the legal status and social guarantees associated with platform employment [9], while G. Javliyeva has analysed the criteria for distinguishing non-standard employment relations in the digital economy [10]. B. Hamroqulov’s previous studies have addressed algorithmic fairness and human oversight [11], working time [12], individual and collective

labour disputes [13; 14], and employee material liability [15]. These findings provide a theoretical basis for assessing specific legal consequences of platform work.

ILO Convention No. 193 concerning Decent Work in the Platform Economy, adopted on 12 June 2026, established a specialised international standard for platform work [1]. It covers persons performing work through platforms irrespective of their employment status, requires status to be determined on the basis of facts, and provides specific safeguards concerning algorithmic management, data protection, deactivation, and dispute resolution [1; 2]. In Uzbekistan, the concepts of a “digital platform”, “digital platform operator”, and “pricing algorithm” are already recognised in competition legislation [20], while projects such as “Mening ishim” demonstrate the growing practical significance of digital labour intermediation [21]. However, labour legislation does not specifically regulate the status of platform workers or the legal consequences of algorithmic control.

The purpose of this study is to identify the impact of algorithmic management on the legal classification of employment relationships, to compare ILO Convention No. 193 and comparative experience with the law of Uzbekistan, and to propose a practical regulatory model for national legislation. The research hypothesis is that algorithmic management does not, by itself, automatically create an employment relationship; however, together with other factual indicators, it may constitute an important criterion demonstrating the existence of the platform’s organisational and managerial authority.

Materials and Methods

The study was conducted using doctrinal legal and comparative legal methods. The normative framework comprised ILO Convention No. 193 [1], ILO Recommendation No. 198 [18], Directive (EU) 2024/2831 [19], the Labour Code of the Republic of Uzbekistan [17], and national legal instruments concerning digital platforms [20; 21]. The academic sources included foreign and national studies on the legal status of platform work and algorithmic management [2-10], as well as the author’s relevant previous research [11-15].

The formal-legal method was used to analyse legal concepts and safeguards, while the comparative legal method served to compare the approaches of the ILO, the European Union, and Uzbekistan. The functional analysis focused not on contractual labels, but on how the platform actually organises work. Based on a synthesis of the sources, five principal management functions were identified: allocation of tasks; influence over remuneration or price; monitoring and ratings; imposition of sanctions; and restriction of access to work or deactivation. These functions formed the basis for identifying the criteria of “algorithmic subordination”.

Results

Article 1 of Convention No. 193 defines a digital labour platform as an entity that organises or intermediates work performed for remuneration through digital technologies and automated decision-making systems. The concept of a “platform worker” does not mean that the person is necessarily an employee under a contract of employment; rather, it identifies the category of persons falling within the scope of regulation [1]. Accordingly, bringing a person performing work through a platform within the scope of legal protection and determining that person’s labour-law status are separate stages.

Articles 13-15 of the Convention treat algorithmic monitoring, evaluation, and automated work-related decisions as a distinct object of legal regulation [1]. Rosenblat and Stark show that information asymmetry, ratings, and pricing algorithms strengthen indirect control [6], while Wood et al. demonstrate that external autonomy and algorithmic control may coexist [7]. On this basis, “algorithmic subordination” is understood as a set of factual circumstances indicating that the platform’s authority to organise, allocate, evaluate, incentivise, or restrict work is exercised through automated systems. It is not an independent criterion of status, but a functional indicator that assists in identifying legal subordination.

Article 9 of Convention No. 193 requires measures to ensure the correct determination of an employment relationship on the basis of facts relating to the performance of work and remuneration [1]. This corresponds to the principle of the primacy of facts reflected in ILO Recommendation No. 198 [18]. De Stefano et al. regard this approach as a central legal guide for platform work [3]. Hießl likewise stresses the need for fact-based assessment and effective procedural mechanisms [4]. Prassl and Risak’s functional concept of the employer supports the proposition that labour-law responsibility does not

disappear merely because employer functions are exercised through technical systems [5]. Directive (EU) 2024/2831 similarly gives priority to the factual performance of work and the role of automated management over contractual labels, and provides a procedural mechanism under which an employment relationship is to be regarded as existing where facts indicating direction and control are established [19].

The Labour Code of Uzbekistan provides extensive guarantees concerning employment contracts, working time, occupational safety and health, liability, and labour disputes [17]. The principal difficulty lies not in the content of those guarantees, but in the stage at which a person is correctly identified as an employee. Where the relationship with a platform is formalised through a civil-law contract, a public offer, or self-employed status, there is no sufficiently developed special mechanism for reassessing the factual characteristics of the work. At the same time, competition legislation recognises the ability of a platform operator to set conditions and use pricing algorithms [20]. This demonstrates a regulatory gap between competition law and labour law. Consequently, the main task in regulating platform work is not so much to create new privileges as to specify when, and under what factual circumstances, existing labour-law protections apply. This approach makes it possible to distinguish genuine civil-law service provision from disguised employment relationships.

A non-exhaustive system of indicators is appropriate for identifying labour-type management and control by a platform. Such indicators may include: unilateral determination of the principal parameters of remuneration or price; allocation of tasks on the basis of ratings, geolocation, or acceptance rates; mandatory standards concerning the method and quality of work together with digital monitoring; adverse consequences for refusing tasks or remaining offline; restrictions on genuine autonomy in relation to clients, pricing, or substitution; automated sanctions or deactivation; and a high degree of dependence on the platform's technological infrastructure. No single indicator is necessarily decisive; their mandatory character, intensity, and impact on the worker's genuine economic and organisational independence must be assessed as a whole. It would be inappropriate to limit the assessment to a rigid requirement of "two" or "three" indicators because platform business models and methods of algorithmic management change rapidly. A non-exhaustive list enables courts and supervisory authorities to assess new technological practices according to their functional effect. The central question should be whether the platform merely coordinates the result of the work or, in practice, controls the person's work process and freedom of economic decision-making.

On this basis, the following rule appears appropriate for the legislation of Uzbekistan: where a court, labour inspectorate, or other competent authority establishes legally significant facts demonstrating that the platform directs and controls the work process, an employment relationship between the platform and the person performing the work should be regarded as existing. To establish the contrary, the platform should demonstrate that the person genuinely performed the work as an independent business operator, bearing his or her own economic risk, enjoying organisational independence, and having freedom to determine the manner in which the work was performed. This approach is consistent with Article 9 of Convention No. 193, paragraph 11 of Recommendation No. 198, and the approach reflected in the EU Directive [1; 18; 19].

Basic rights relating to algorithmic management should not depend on a person's employment status. Articles 13-15 of Convention No. 193 require prior information about automated monitoring and decision-making systems, an explanation of decisions having a significant adverse effect, and review with appropriate human involvement [1]. Human oversight should not be reduced to a formal approval step; it should include authority to alter the decision, access to the principal data and parameters, and the ability to assess evidence submitted by the person performing the work [8]. The author's earlier research on algorithmic fairness likewise showed that completely excluding the human element increases the risk of unfair decisions [11]. These rights should not be wholly restricted on the ground that an algorithm constitutes a trade secret; at the same time, the platform need not be required to disclose the algorithm's source code or its trade secrets in full. From a legal perspective, disclosure of the principal criteria affecting working conditions, the categories of data used, and the logic underlying the decision may constitute a sufficient and proportionate solution.

Deactivation is among the most serious adverse consequences in platform work. Article 17 of the Convention requires that deactivation or termination of the relationship not be based on unlawful or discriminatory grounds [1]. Where a person is recognised as an employee, permanent deactivation must

not become a means of circumventing safeguards applicable to termination of the employment contract. The importance of lawful grounds and procedural safeguards in termination at the employer's initiative was also demonstrated in the author's previous research [16].

Legal status also directly affects working time and material liability. For a person recognised as an employee, not only the time spent performing a task but, in certain circumstances, also periods of mandatory readiness or availability required by the platform should be assessed from the perspective of working time [12]. Likewise, automatic deductions made by a platform because of lost goods or a customer complaint must not circumvent labour-law safeguards concerning damage, fault, causation, and the procedure for recovery from an employee [15]. An algorithm may calculate the amount of loss, but it should not automatically make the final legal determination of fault.

Algorithmic management also has a collective dimension. The same rating, bonus, or deactivation criterion may simultaneously affect a large number of persons performing work through the platform. Therefore, algorithmic parameters affecting remuneration, workload, and access to work may become a subject of collective bargaining [1; 14]. A two-stage model is appropriate for dispute resolution: first, prompt internal review by the platform with human involvement; and second, independent external protection through the labour inspectorate, a pre-trial labour-dispute mechanism, or the courts [13]. Article 21 of the Convention likewise requires accessible, safe, fair, and effective dispute-resolution and remedial mechanisms [1].

Standards of Convention No. 193 and the Proposed Regulatory Model for Uzbekistan

Convention No. 193 / comparative standard	Key gap in Uzbekistan	Proposed solution
Articles 1–2: broad scope	No status-neutral category for platform work	Introduce the concept of a “person performing work through a digital platform”
Article 9: fact-based classification	Insufficient mechanism for reassessing factual control	Where facts of direction and control are established, regard the employment relationship as existing; the platform may establish the contrary
Articles 13–16: algorithmic safeguards	No specific rights to information, explanation, and human oversight	Information on algorithmic parameters, reasons for adverse decisions, human review, and data protection
Article 17: deactivation	The labour-law consequences of deactivation are not specifically defined	Dismissal safeguards for employees; reasoned notice and appeal rights for others
Articles 21–22: disputes and enforcement	Insufficient rapid-appeal and algorithmic-audit mechanisms	Internal human review + external labour inspectorate/court; capacity to assess digital evidence

Discussion

The findings demonstrate that two extreme approaches to platform work—automatically treating every person performing work through a platform as an employee, and treating the contractual label as decisive—are both inadequate. The first may unjustifiably restrict genuine independent entrepreneurship, while the second may enable labour-law protections to be circumvented through standard-form offers. The strength of Convention No. 193 lies in its two-layered approach: it provides basic protection regardless of employment status, while requiring the existence of an employment relationship to be determined separately on the basis of facts [1; 2].

The “third status” analysed by Hiebl may, in some legal systems, partly bridge the protection gap between employees and independent contractors [4]. The issue of hybrid employment has also been raised in the national literature [9]. However, in Uzbekistan it would be preferable, before creating a new intermediate status, to establish the primacy of facts, status-neutral algorithmic safeguards, and an effective mechanism for determining legal status. Otherwise, a “third category” may become a means of

avoiding full labour protection. Such an intermediate status would be justified only if its specific rights and obligations, the criteria for transition to full employee status, and safeguards against abuse were defined in advance. Otherwise, rather than increasing legal certainty, it may generate new classification disputes.

“Algorithmic subordination” must likewise be applied cautiously. Not every algorithm amounts to employer control. Its legal significance depends on its function: if it unilaterally affects price, task allocation, work intensity, ratings, sanctions, or deactivation, the platform’s functional managerial authority becomes stronger [5; 6]. Accordingly, status should be determined not on the basis of an isolated technical feature, but by considering the totality of circumstances affecting control and economic independence.

The ILO Convention requires correct classification, whereas the EU Directive offers a more specific procedural solution under which an employment relationship is to be regarded as existing where facts indicating direction and control are established [1; 19]. Where the platform itself controls the main evidence concerning ratings, algorithms, and decisions, placing the entire burden of proof on the person performing the work would intensify procedural inequality. The rule proposed above should therefore be understood not as automatic reclassification, but as a mechanism for mitigating evidentiary imbalance. The platform retains the opportunity to demonstrate genuine entrepreneurial independence.

The development of digital labour-intermediation projects such as “Mening ishim” in Uzbekistan creates an opportunity to shape regulation in advance on the basis of clear principles, rather than only after disputes become widespread [21]. ILO Convention No. 193 has not yet been ratified by Uzbekistan [22]. Therefore, before deciding on ratification, it would be appropriate to conduct a comprehensive assessment of gaps between the Labour Code, employment legislation, personal-data rules, and rules governing digital platforms, and to test a national regulatory model with the participation of platforms, persons performing work through them, trade unions, the labour inspectorate, and representatives of the judiciary. Social dialogue should play an important role in this preparatory process because the actual impact of algorithmic management derives not only from normative texts, but also from the platforms’ technical practices, workers’ experience, and the ability of supervisory bodies to obtain evidence. The results of pilot regulation may therefore provide an empirical basis for subsequent legislative reform.

Conclusions and Recommendations

The study demonstrates that, in platform work, legal status should depend not on the contractual label, but on the way in which work is actually organised and controlled. Where an algorithm significantly influences the conduct of a person performing work through task allocation, pricing, ratings, monitoring, and deactivation, this may indicate the platform’s organisational and managerial authority. “Algorithmic subordination” should therefore be assessed not as an independent criterion, but as a set of indicators applied within the principle of the primacy of facts.

First, it is advisable to define “digital labour platform” and “person performing work through a digital platform” in the Labour Code. The definitions should identify the scope of legal regulation of platform work without automatically classifying the person as an employee.

Second, the principle of the primacy of facts should be expressly incorporated into the legal assessment of platform relationships. The description “independent contractor” in a public offer or the person’s formal self-employed status should not be decisive; the actual performance of work, remuneration, management, control, and economic independence should be assessed together.

Third, where a competent authority identifies legally significant facts demonstrating that the platform directs and controls the work, the employment relationship should be regarded as existing. To establish the contrary, the platform should demonstrate the person’s genuine entrepreneurial independence, assumption of his or her own economic risk, and freedom to organise the work. The statutory indicators should be formulated as a non-exhaustive rather than a closed list.

Fourth, basic safeguards relating to algorithmic management should apply to all persons performing work through platforms regardless of their employment status. The platform should provide clear information on the purpose of automated monitoring and decision-making systems, their principal parameters, and their impact on working conditions; give reasons for significantly adverse decisions; and provide an opportunity for review with competent human involvement.

Fifth, the legal consequences of deactivation should differ according to status. For a person recognised as an employee, permanent deactivation should not circumvent safeguards applicable to termination of the employment contract. Other persons performing work through platforms should, at a minimum, be guaranteed a reasoned notice, protection against discrimination, and the right to an independent appeal.

Sixth, dispute resolution should follow a two-stage model: prompt internal review by the platform with human involvement, followed by independent external protection through the labour inspectorate, a pre-trial dispute mechanism, or the courts. Competent authorities should possess the capacity to conduct algorithmic audits and assess digital evidence, while platforms should be required to preserve verifiable information underlying their decisions.

Seventh, before deciding on ratification of Convention No. 193, it is advisable to conduct a comprehensive assessment of gaps and conflicts in national legislation and to test pilot regulatory mechanisms through social dialogue. The proposed model is not intended to convert all platform work into employment; rather, it seeks to ensure correct fact-based classification and minimum safeguards against the exercise of algorithmic power.

References

1. International Labour Organization. Convention concerning decent work in the platform economy, 2026 (No. 193). Adopted 12 June 2026.
2. De Stefano, V. The ILO Decent Work in the Platform Economy Convention, 2026 (No. 193): A Preliminary Analysis. Osgoode Legal Studies Research Paper No. 193, 2026. DOI: 10.2139/ssrn.6968259.
3. De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. Platform work and the employment relationship. ILO Working Paper 27. Geneva: ILO, 2021.
4. Hießl, C. The legal status of platform workers: regulatory approaches and prospects of a European solution. Italian Labour Law E-Journal, 2022, 15(1), 13–28. DOI: 10.6092/issn.1561-8048/15210.
5. Prassl, J., Risak, M. Uber, TaskRabbit, & Co: Platforms as Employers? Rethinking the Legal Analysis of Crowdwork. Comparative Labor Law & Policy Journal, 2016, pp. 618–651.
6. Rosenblat, A., Stark, L. Algorithmic Labor and Information Asymmetries: A Case Study of Uber's Drivers. International Journal of Communication, 2016, Vol. 10, 3758–3784.
7. Wood, A.J., Graham, M., Lehdonvirta, V., Hjorth, I. Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy. Work, Employment and Society, 2019, 33(1), 56–75. DOI: 10.1177/0950017018785616.
8. Veale, M., Silberman, M.S., Binns, R. Fortifying the algorithmic management provisions in the proposed Platform Work Directive. European Labour Law Journal, 2023, 14(2), 308–332. DOI: 10.1177/20319525231167983.
9. Abdullayeva, P. Raqamli platformlardagi bandlikni huquqiy tartibga solish [Legal regulation of employment on digital platforms]. Actual Problems of Humanities and Social Sciences, 2025, 5(S/5), 242–246. DOI: 10.47390/SPR1342V5SI5Y2025N40.1. [In Uzbek].
10. Javliyeva, G.A. Raqamli iqtisodiyot sharoitida mehnat munosabatlari transformatsiyasi va notipik mehnat munosabatlari [Transformation of labour relations and non-standard employment relations in the digital economy]. Yurisprudensiya, 2024, 4(1), 91–99. DOI: 10.51788/tsul.jurisprudence.4.1./VGLS9563. [In Uzbek].
11. Hamroqulov, B., Roʻziboyev, A. Sunʼiy intellekt qarorlarida adolatsizlik muammosi va uni bartaraf etish yoʻllari [The problem of unfairness in artificial-intelligence decisions and ways to address it]. Actual Problems of Humanities and Social Sciences, 2026, 6(2), 213–218. DOI: 10.47390/SPR1342V6I2Y2026N30. [In Uzbek].
12. Hamroqulov, B.M. Legal regulation of working hours in the Republic of Uzbekistan and some foreign countries. International Journal of Law and Criminology, 2025, 5(02), 29–35. DOI: 10.37547/ijlc/Volume05Issue02-05.
13. Hamroqulov, B.M. Pre-trial resolution of individual labor disputes. American Journal of Social Sciences and Humanity Research, 2025, 5(03), 5–9. DOI: 10.37547/ajsshr/Volume05Issue03-02.



14. Hamroqulov, B. Jamoaviy mehnat nizolarini hal etish: milliy va xorijiy tajriba [Resolution of collective labour disputes: national and foreign experience]. *Actual Problems of Humanities and Social Sciences*, 2025, 5(12), 400–407. DOI: 10.47390/SPR1342V5I12Y2025N73. [In Uzbek].
15. Hamroqulov, B.M. Material Liability of an Employee to the Employer. *Oriental Journal of History, Politics and Law*, 2026, 6(03), 67–75. DOI: 10.37547/supsci-ojhpl-06-03-10.
16. Hamroqulov, B., Mamirov, S. Grounds for termination of employment contract with employer's initiative in connection with one-time rude violation labor duties by employee. *Society and Innovations*, 2021.
17. Labour Code of the Republic of Uzbekistan. Law No. ZRU–798 of 28 October 2022.
18. International Labour Organization. *Employment Relationship Recommendation*, 2006 (No. 198).
19. Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work.
20. Appendix 2 to Resolution No. 256 of the Cabinet of Ministers of the Republic of Uzbekistan of 1 May 2024: Regulation on the Procedure for Recognising the Dominant Position and Superior Bargaining Power of a Digital Platform Operator.
21. “Mening ishim” (“My Work”) digital project: data from the Digital Projects Registry of the Republic of Uzbekistan and the Ministry of Poverty Reduction and Employment.
22. International Labour Organization, NORMLEX. C193 Instrument profile (ratification status).