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REGULATION OF WORK ON DIGITAL PLATFORMS: REVIEW OF THE CHILEAN EXPERIENCE (2022–2025)

RIAL Workshop on "Artificial Intelligence, digital platforms and labor rights in the Americas" - September 11-12, Bogotá, Colombia.

Division of Employment Policies
Deputy Secretary of Labor



INTRODUCTION

- In Chile, the platform economy represents a **small but growing share of the employed population** (3.0%)
- As early as 2019–2020, attempts were made to regulate this type of work, particularly “**geo-referenced**” or “**location-based**” services (1% of employed persons). This occurred in a context marked by lack of social protection, absence of algorithmic regulation, and job insecurity.
- Following years of public debate, in 2022 **Law No. 21.431** *which “Amends the Labor Code by regulating the contracts of workers of digital service platform companies”* was enacted.
- The law has now been in force for **nearly three years** and is under evaluation (the Higher Labor Council has already issued two reports). This regulatory effort takes place within a broader global and regional trend: the International Labour Conference (2025–2026), Mexico (2025) and Uruguay (2025), with advances also noted in Brazil and Colombia.



1. REGULATION OF PLATFORMS

- Law No. 21.431 regulates the relationship between workers of digital service platforms and the platform companies. Two contractual modalities are established, **depending on the conditions of subordination and dependence**:
 - (1) Employment contracts for dependent workers.
 - (2) Service contracts for independent workers.
- Each contractual form carries its own set of rights, alongside common standards: *the supervisory role of the Labor Inspectorate; minimum content for service contracts; minimum payment of 120% of the minimum monthly wage; mandatory disconnection as a sanction; the right to an explanation of algorithmic functioning and prohibition of discrimination; rights to training, provision of protective equipment and insurance for personal property; the right to freedom of association, among others.*
- The law recognizes a **triangular relationship** between application companies, workers, and users, but excludes platforms that merely publish service advertisements.
- In labor terms, it **fosters formalization** and ensures workers' access to social security according to applicable regulations. However, certain aspects remain unregulated, particularly in relation to taxation.

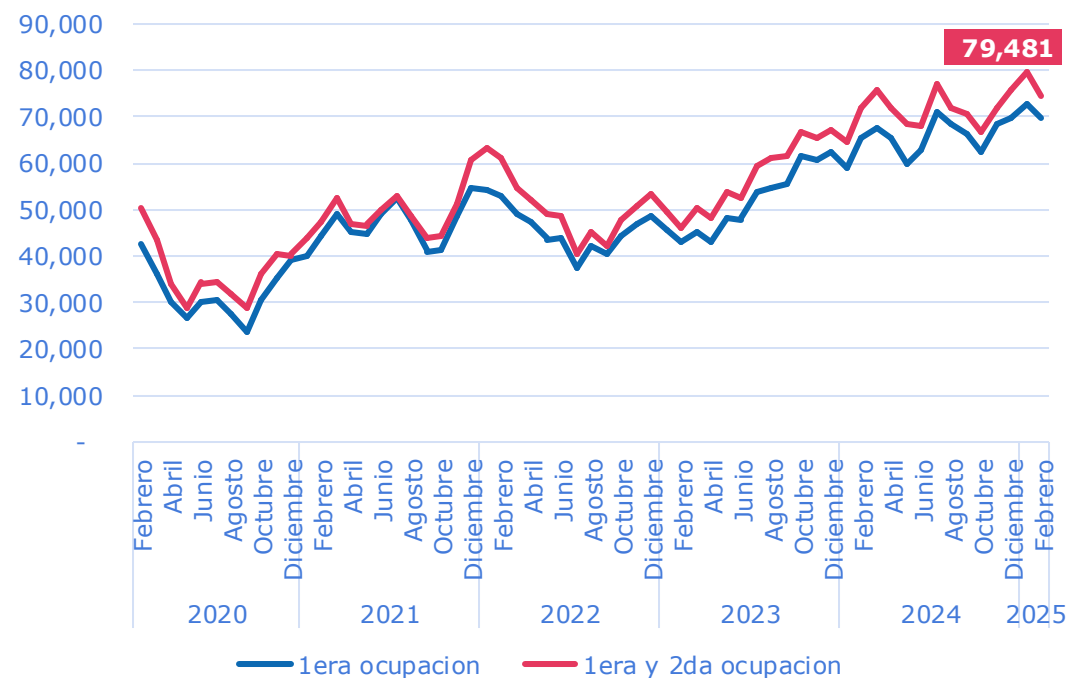
2. MAIN EMPLOYMENT FIGURES



National Employment Survey (ENE)

- In 2024, an average of **71,233 persons per month** declared work in a digital service platform regulated by Law No. 21.431, either as their primary or secondary occupation.
- Most were engaged in **transport applications** (83.4%).
- The majority were men (87.4%) and Chilean nationals (58.3%).
- Of these workers, most were classified by the National Statistics Institute (INE) as “**own-account**” workers (**84.2% in 2024**), i.e., independent workers, not employers.

Persons engaged in digital platforms regulated by Law No. 21.431, either as a primary or secondary occupation



Source National Employment Survey, INE

15.6% were classified as employees, indicating that “they carried out the work as a wage earner or laborer for an employer, company, or institution (...)”.



3. IMPLEMENTATION

SOCIAL DIALOGUE

- The Higher Labor Council has already issued two evaluations and is considering establishing a subcommission for the final evaluation (2025).
- MINTRAB has held meetings with companies and unions since early 2022 as part of the law's implementation.
- Strong organizational development (associations and unions).
- Since October 2024, a **Tripartite roundtable on digital platforms** has been operating, bringing together companies and unions
- Objectives: Encouraging the implementation of Law No. 21.431 and agreeing upon baseline information and priority issues in the sector.
- Findings: gaps in service contracts facilitated by companies, with work underway on a “model contract”.

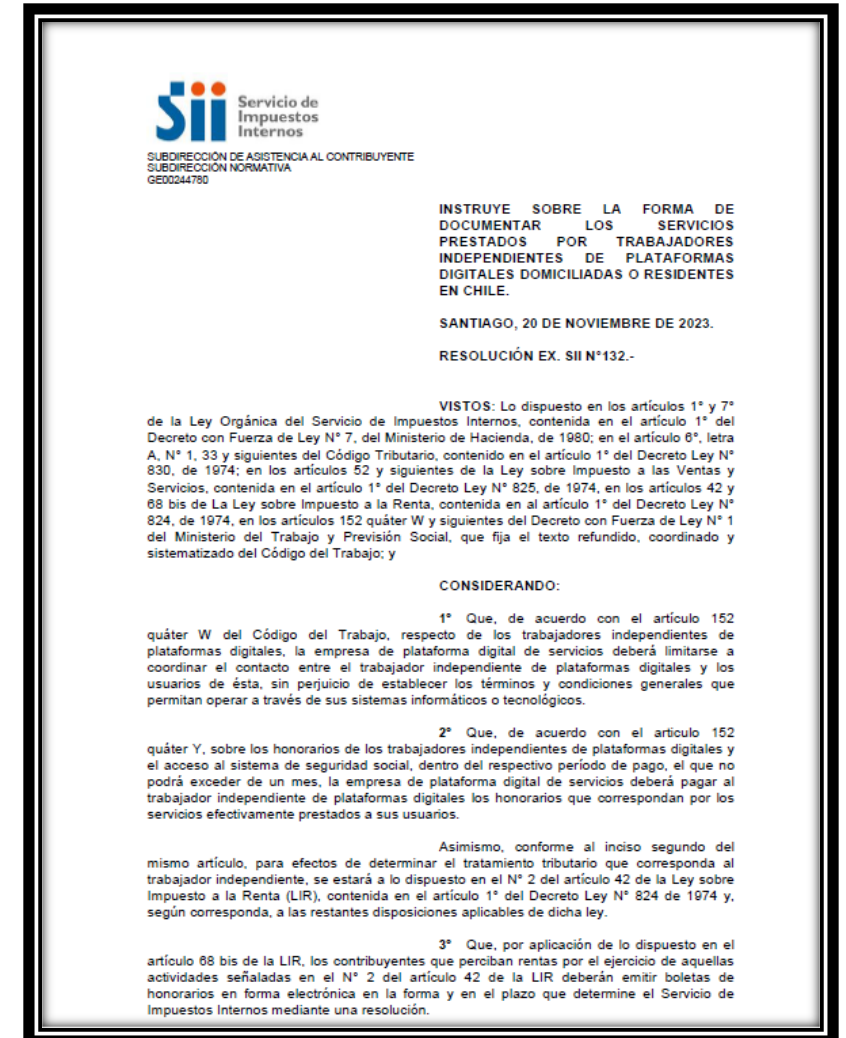


Didi, Uber, Cabify, Rappi, Pedidos Ya, InDrive, associations such as ACHIPLAM and Alianza In, and representatives of the National Union of Workers of Digital Service Platforms and Work Applications (SINTAPP), the Union of Digital Platform Drivers (SINCAPP), the Regional Unions of Groups of Application Drivers (GRECO), and the Unified Workers' Central (CUT).

3. IMPLEMENTATION

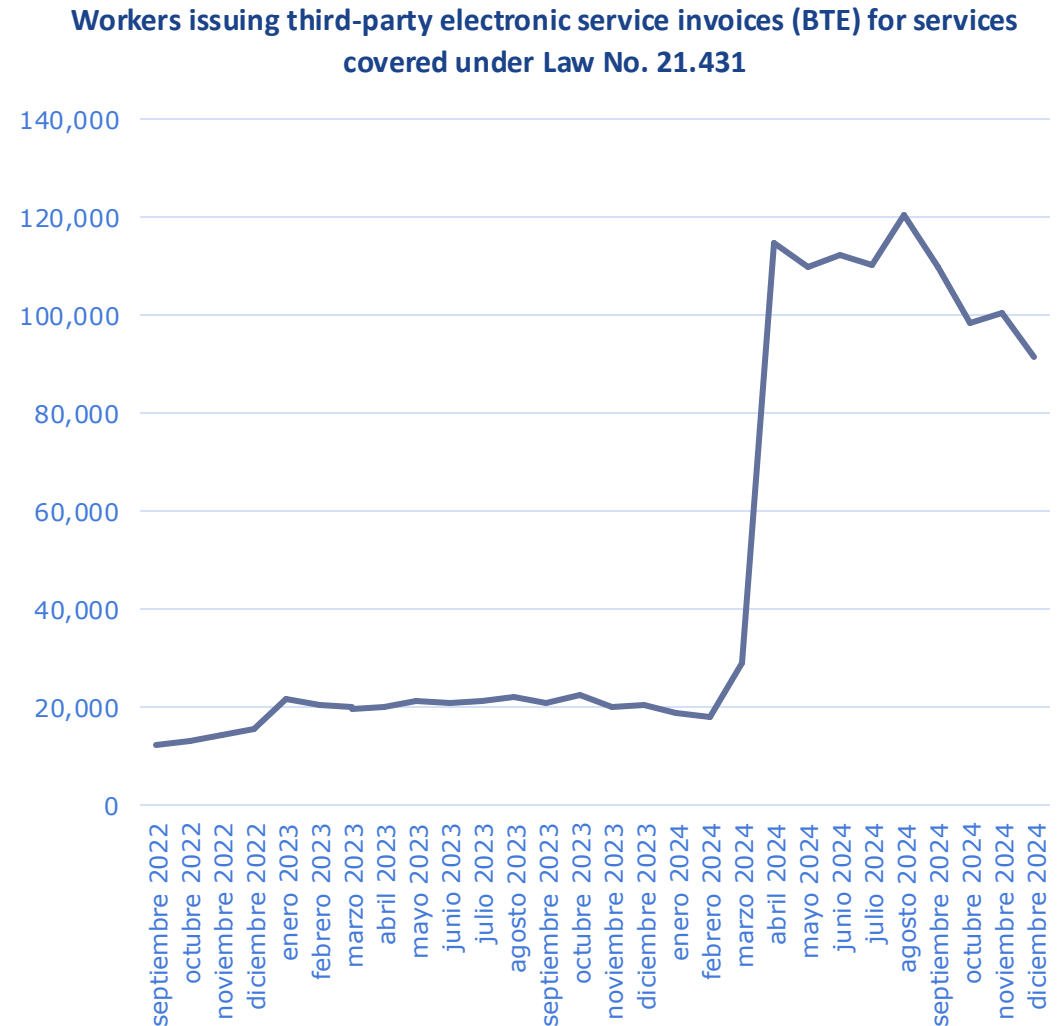
TAX REGULATION

- The Higher Labor Council's first evaluation (2023) identified high labor informality in the platform sector. Despite the law, workers were not issuing service invoices (2022–2023).
- MINTRAB requested that the Internal Revenue Service (SII) regulate the procedure.
- Under Resolution 132/2023 (in force since March 2024), responsibility for issuing invoices (BTEs), withholdings, and declarations was placed on the companies.
 - *Invoices must be issued for the amount corresponding to the independent worker, with mandatory withholding at the applicable tax rate under Article 74(2) of the Income Tax Law. In addition, the invoices must expressly include the statement: "Service pursuant to Law No. 21.431."*



3. IMPLEMENTATION

- Between September 2022 and March 2024, an average of **19,654** workers per month were covered by invoices.
- Between April and December 2024, this figure rose to **107,652** workers per month (new SII resolution).
- Companies applying this mechanism: Cabify, Pedidos Ya, Rappi, Uber Eats, and Uber Rides
- In 2024, a total of **208,985** workers received invoices for services under Law No. 21.431 (50.1% filed income tax returns).
- As of July 2025, these workers will have access to social protection.



Source: SII Administrative records

3. IMPLEMENTATION



INSPECTION AND TRAINING

- **1st Inspection Program (2023–2024):** 42 inspections, focused on occupational health and safety in delivery services.
- **2nd Inspection Program (2025):** 154 inspections, 1,197 workers and 19 companies inspected. Focus on delivery and pickers: lack of written contracts, failure to declare contributions, failure to produce documentation, lack of attendance records, and failure to record working hours.
- Headquarters and algorithms were not accessible.
- Additionally, **regular inspections in response to complaints.**
- **Training activities** focused mainly on workers: Law No. 21.431; how to establish unions; benefits of social security access for independent workers; and taxation issues.





4. NORMATIVE EVALUATION

The **National Employment Survey** estimates the number of workers, with wide confidence intervals when the sample size is small. Moreover, it does not address specific issues related to the legislation.

Other sources:

- Company records (difficult to access). Uber and UC maintain an agreement.
- Records of social security contributions and tax payments.
- Sample survey to verify compliance with the law (504 face-to-face interviews, late 2024): partial compliance with the regulation.

State records regarding platform companies: Which legal status prevails?

AFC: 1,105 workers with unemployment insurance contributions in November 2024 (dependent workers only).

BTE: 100,430 workers with third-party electronic service invoices in November 2024 (independent workers).



5. CONCLUSIONS AND CHALLENGES

- Official statistics show sustained **growth of the sector in Chile** following the enactment of the law. Since 2024, an increase in formalization has been observed, based on the analysis of administrative records.
- In virtually all cases, the **relationship between companies and workers** has been characterized as one of independence. It remains necessary to advance in the concrete analysis of labor realities, in order to determine whether elements of subordination and dependence are present, taking into account the sector's own subjectivity ("one's own boss" but "with rights").
- **Partial compliance with Law No. 21.431** is evident. On the one hand, there are areas of high compliance, such as payment above the minimum threshold, autonomy in defining the workplace, transparency with respect to orders, and official channels of communication with the platform.
- On the other hand, there are areas of low compliance: insurance against damage to personal property, provision of PPE, access to the contract within the application, limited transparency, and disconnections.



5. CONCLUSIONS AND CHALLENGES

- **Compliance with the law is not automatic**, and significant gaps remain. Proper compliance by companies would advance decent work.
- **Unregulated aspects** have hindered implementation (records, interoperability, etc.).
- The third and final evaluation of Law No. 21.431 is underway, led by the **Higher Labor Council** (January 2026). This will be carried out by a tripartite subcommission, which will also provide comments on the Brown Report for the 114th International Labour Conference.
- It is necessary to advance toward **intelligent labor inspection**: electronic monitoring, cross-referencing of databases, and access to algorithms. Specific aspects of Law No. 21.431.
- The forthcoming **Digital Employment Observatory**, to be established under the **National Labor Foresight Strategy**, will record, monitor, and classify digital work platforms.

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División de Políticas de Empleo

Subsecretaría del Trabajo