

Research on the Working Condition of Women Freelance Online Workers in the APEC Region and Recommendations to Address Their Challenges

APEC Policy Partnership on Women and the Economy

December 2024



**Asia-Pacific
Economic Cooperation**



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EXECUTIVE SUMMARY

The COVID-19 pandemic has accelerated digital transformation across the world, paving the way to virtual working, as well as contract work arrangements or the so called “gig economy” or freelancing to deliver services online. The expanded use of digital platforms and the adoption of remote working arrangements resulted to a rise in e-commerce, e-services and online freelance work.¹

As of 2023, the worldwide freelancing industry is estimated to have 1.57 billion workers, increasing by 15% annually.² The freelancing trend has become increasingly popular among women as a practical alternative to earn a living while also attending to domestic and caring responsibilities. Approximately, there are now 750 million women freelance online workers globally, comprising 48% of the total.³ However, since more and more women are choosing freelancing as an option, they also become more susceptible to the vulnerabilities of freelancing.

This study was done to examine the working conditions, challenges, and barriers that affect freelance workers, particularly women, as they provide services virtually. This involves all online freelancers, including those who are Platform members and those who are operating independently without affiliation to any digital Platform. Platforms are managed websites that serve as hubs where freelancers are matched with customers needing their services. Whether Platform members or not, freelance online workers have similar needs and concerns as gathered from the Focus Group Discussions and the survey conducted under this Project.

This study therefore focuses on issues common to all freelancers in the digital economy and offers recommendations addressing such issues. To achieve the project objectives, a survey has been done among freelance online workers, government officials and non-government organizations, where 15 APEC economies participated. To validate and substantiate the survey results, four Focus Group Discussions (FGDs) were conducted among representatives from 14 APEC economies. Around a hundred participants joined the survey and the FGDs, where more than 70% are women. The summary of findings and recommendations below are common and applicable to all types of online freelancers, with particular focus on women.

The respondents identified the advantages of being freelance online workers as follows:

¹ [2021 World Employment and Social Outlook](#)

² [2023 Freelancer Report: Insightful Analysis & Trends | Ruul](#)

³ [2023 Freelancer Report: Insightful Analysis & Trends | Ruul](#)

- Flexible working hours and “being your own boss” - they have more freedom to plan their own schedules, adjust their working hours based on their preferences, thereby allowing time for family, hobbies, and relaxation.
- Safety and better health - working from home promotes better health and saves the worker from the hassles of commuting.
- Additional income streams - freelance work provides an opportunity for additional income, over and above an existing job or business endeavor.

On the other hand, the respondents identified the following challenges and barriers that they face as freelance online workers:

- Inadequate institutional support to freelance workers - In majority of APEC economies, there are no dedicated government entities that look after the welfare of freelance or independent workers. Government authorities have limited information on the issues affecting freelancers since there are no established communication channels between the government and freelance practitioners.
- Inconsistent and insufficient income - Freelancers, especially those that are new to the industry, often face income fluctuations as work opportunities are not consistent nor predictable. Majority of freelance workers with less than 5 years of experience tend to get low rates from customers, sometimes falling below minimum wage.
- Lack of health/medical benefits - 80% of the freelance online workers who responded to the survey identified this as their top concern.
- Inadequate training and education opportunities - Freelancers do not readily get chances to avail of upskilling courses and always had to pay for their own training.
- Customers who do not honor the contract - Based on comments gathered from the FGDs, one serious problem faced by independent workers are customers (or Platform end-users) who pay late or who do not pay at all.
- Unequal pay based on gender - Around 20% of the survey respondents attested that they have experienced or have been aware of cases where women freelancers are paid less than their male counterparts doing the same kind of work.
- Inequitable work distribution based on gender - About 15% of the respondents cited that they have experienced unfair treatment where men are given more work assignments and higher-level technical functions than women. They complained that women are given simpler, less technical jobs and therefore, tend to earn lesser than men.
- Harassment and discrimination - Around 14% of women respondents have experienced verbal harassment from customers using rude, inappropriate language as well as words with sexual connotation. Some Asian respondents

experienced racial discrimination - they alleged that they are paid lower than their Western counterparts for the same amount and type of work.

- No standard rates for the various types of work delivered online – There are no prescribed standard rates for specific digital services delivered by freelance online workers. It was suggested in the FGDs that standard rates will be useful especially for newbies to the industry, so they know the minimum rates they should charge for their services and avoid potential exploitation.
- Other concerns identified are: no paid leave, no old-age pension, no provisions for utilities used at home for work, limited interaction with colleagues, and no access to credit.

To address the challenges affecting freelance online workers, especially women, the following measures are recommended:

- Institutionalize support to freelance online workers. Each APEC economy should consider establishing or assigning a dedicated government entity to develop policies and deliver programs to assist and protect the rights of freelancers. Such entity should be the focal point or the hub where freelancers could seek assistance in matters affecting their work and welfare. It will also implement laws passed by the government to protect the rights of freelance practitioners.
- Economies that do not have any law protecting freelance workers should be encouraged to legislate one. It is high time for all economies to legislate laws to protect the rights of independent online workers. Primary issues that should be addressed by such laws include unjust remuneration, gender inequality in relation to pay and work distribution, health and safety issues, harassment, discrimination, and exploitation that particularly affect women workers.
- Establish official communication channels between the government and the association/s of freelancers in an economy. Freelance workers should be encouraged to form associations and elect their leaders to have representations in dialogues with the government and other groups that could help them with their needs.
- Digital Platforms should be able to protect and look after the welfare of workers affiliated with them. Platform operators should develop and enforce fair work policies that promote equal treatment and opportunities for freelancers. Government should monitor Platform practices and policies ensuring that their freelance members have humane working conditions and fair pay. It is recommended that a further study be done to zero in on the detailed practices of Platform operators. Since this is beyond the scope of this present Project, a subsequent survey among Platforms may be conducted to determine their processes and rules, with the view to establishing policies that will regulate their operations.

- Programs for upskilling and continuing education should be made available to freelancers, especially for women who are constrained to work from home. Both the government and Platform operators may offer free or subsidized virtual courses, to enhance these workers' technical/digital skills, as well as soft skills. *(Under this project, an Upskilling Workshop for Freelance Workers on the Digital Economy in the APEC Region was successfully conducted in December 2023.)*
- Standard rates should be established for the various types of online services. These rates will serve as the minimum rates to be charged to a customer (or Platform end-user) for a particular service. Having benchmark rates will help newbie freelancers, in particular, not to undervalue their services, as well as avoid cut-throat competition.
- Platform operators should be encouraged to contribute to the social protection of freelancers. A Contribution Fund, jointly funded by the freelance workers and the Platforms, may be established to cover possible benefits for freelancers, such as training and development, healthcare subsidies, credit facility and other social benefits. (This may form part of the suggested study on Platform operations.)
- Instill among independent online workers the importance of having a proper Contract with their customers (or Platform end-users) for every project or work assigned. Without such Contract, workers open themselves to possible exploitation, harassment and discrimination, as well as the inability to get paid properly. In **Annex 6.1** of this report, a **Model Contract** has been designed to serve as a guide or template for all freelance online workers.
- Develop good practices and ethical standards in the freelancing industry. To professionalize freelance services and to protect workers' rights, **Annex 6.2** of this report proposes a **Code of Ethics** for Freelance Online Workers in the APEC Region.

1. INTRODUCTION

Freelance online work has become a valid alternative to regular employment, especially for women who have caring and domestic responsibilities. Amidst the pandemic, women's unpaid care and domestic work has increased further due to lockdowns, prolonged school closures and similar measures. Providing virtual services within the confines of one's own home has become the saving grace of workers, especially women, to earn a living without being exposed to the dangers brought about by the pandemic.

According to *Harvard Business Review*, the future of work is characterized by technological advancements, lifelong learning, flexible work arrangements, and an entrepreneurial ecosystem. A key aspect of the Future of Work is the rise of flexible or contract work arrangements, the so-called "gig economy" or freelancing.⁴

Companies are increasingly augmenting their workforce through hiring freelancers, as they realize the benefits of flexibility, cost savings and the ability to tap into talent beyond geographical boundaries.⁵ The number of freelance online workers globally is estimated at 1.57 billion in 2023, 48% of which are women⁶.

Freelancers may be full-time independent contractors, temporary workers affiliated with staffing firms, gig workers, project-based workers, self-employed business owners, people working in a mix of these areas, and all other workers without an employee-employer relationship with the Platform operators nor with their customers or Platform end-users. These workers may be involved in various services, such as e-commerce operations (e.g. marketing, inventory control, sales or product monitoring, logistics monitoring, and the like); website development; data entry or encoding; data mining; analytics; content creation; market research; creative conceptualization and design; customer assistance; delivery and warehousing; and many other services done virtually.

A freelance online workers may either be a member of a digital Platform or totally independent without affiliation to any established Platform. A Platform is a website that connects freelancers with customers who need their services. These Platforms provide a marketplace or a hub where customers (or Platform end-users) can browse profiles of freelancers based on their skills, experience, location, and other criteria.⁷ Platforms, therefore, facilitate the matching between customers and the interested and

⁴ [The Future of Flexibility at Work](#)

⁵ [Future Of Freelancers In The Workplace. Companies Shift Hiring Model](#)

⁶ [2023 Freelancer Report: Insightful Analysis & Trends | Ruul](#)

⁷ [Best Freelance Platforms in 2023: Compare Reviews on 200+ | G2](#)

qualified freelancers. Some examples of freelance Platforms are Upwork, Designhill, Freelancer, Toptal, and Fiverr.⁸

These Platforms earn income by charging fees to both freelancers and customers (platform end-users) for using their services. They collect membership fees from their freelancer members, as well as commissions from every deal that happens between the freelance workers and end-users/customers. Platforms also collect service fees and advertising fees from customers who post their requirements for freelancers.

Whether Platform members or not, freelance online workers have similar needs and concerns as gathered from the Focus Group Discussions and the survey. Freelancing has its benefits, but it also has disadvantages. Since freelancing is normally considered informal work, the freelancer is left without the protection of an employer, making her/him vulnerable to exploitation, harassment, unfair treatment, and deprivation of the usual social benefits from the government. Since more and more women are choosing freelancing as an option, they have become more susceptible to the vulnerabilities of freelancing.

It is therefore necessary to examine the working conditions, challenges, and barriers affecting freelance online workers, especially women, as they provide services virtually.

This report presents the outcome of the APEC-funded project on Advancing Women in Tech through the Digital Platform Economy, with the following objectives:

- 1) Assess the working conditions, needs and issues affecting freelance workers in the digital economy, particularly women. This assessment may become a basis for crafting policies, reforms and programs to support freelance online workers.
- 2) Conduct an Upskilling Workshop to address the priority training needs of these workers; and
- 3) Draft a Code of Ethics and Model Contract to guide freelance online workers in the conduct of their work and in their dealings with customers.

This Project is designed to benefit all freelancers, especially women, who deliver services online, whether they are Platform members or totally independent and do not belong to any Platform. The term “digital platform” in the project title does not literally refer to the websites or “Platforms” to which a number of freelancers are affiliated. Instead, the term refers to the generic definition meaning “online” or the manner of delivering services in the digital format or platform. So, the Project covers all freelancers in the digital economy - not only those affiliated with Platform operators. The concerns and issues identified in this report, as well as the recommendations offered herein are those that are common and applicable to all types of online freelancers, with particular focus on women.

⁸ <https://www.europeanbusinessreview.com/top-11-platforms-to-find-freelance-jobs/>

Sections 2 and 3 of this report describe the methodology of the research and the profile of the participants in the Survey and Focus Group Discussions conducted to attain the foregoing objectives. Section 4 presents the findings on the working conditions, needs and challenges of freelance online workers, particularly women. Section 5, on the other hand, offers recommendations and possible solutions to the identified issues and problems. This section also talks of the training needs of freelance online workers and the outcome of the Upskilling Workshop conducted through this project in December 2023 to address some of the freelancers' priority training requirements.

Annex 6.1 offers a Model Contract for Freelance Online Workers and their Customers (or Platform End-users) which will serve as a guide or template for freelancers as they forge an agreement with their respective customers. This template includes provisions that would protect freelancers from problems that they normally experience, e.g. delayed payments from customers, health and safety issues, harassment and exploitation, among others.

Annex 6.2 presents a proposed Code of Ethics for Freelance Online Workers in the APEC Region to serve as guiding principles of online freelancers, upholding workers' rights and enabling workers to work effectively; implement best practices and protect themselves from unfair treatment from customers, peers, and platform operators.

2. RESEARCH METHODOLOGY

2.1 Online Survey - In order to identify the issues and concerns affecting freelance online workers, especially women, we conducted an APEC-wide survey involving freelancers in the digital economy, as well as government entities and NGOs with interest in freelancers.

The Philippine Council for Women (PCW) and the APEC Secretariat assisted us in finalizing the survey questionnaires and disseminating such to their colleagues who belong to the Policy Partnership on Women and the Economy (PPWE), the Human Resource Development Working Group (HRDWG) and the Digital Economy Steering Group (DESG).

To reach out to more respondents, particularly freelancers, the Project Team tapped freelance organizations and platforms in each of the 21 APEC economies, built contacts with them, and capitalized on various types of connections (including social media) in order to identify respondents among the freelance communities. After diligent research and persuasion, we successfully gathered responses from 15 APEC economies, namely: Australia; Canada; Indonesia; Japan; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; The Philippines; Singapore; Chinese Taipei; Thailand; The United States; and Viet Nam. Around a hundred participants joined the survey and the Focus Group Discussions, where more than 70% are women.

The two versions of the survey questionnaires - one for freelance online workers and another for government/NGO respondents, are found in Annexes 6.3 and 6.4 of this report.

2.2 Focus Group Discussions (FGDs) - In order to validate and substantiate the data gathered from the Survey, four FGDs have been completed as follows:

FGD Session 1- 26 July 2023

Participating economies: Malaysia; The Philippines; Chinese Taipei

FGD Session 2- 9 August 2023

Participating economies: Singapore; Thailand; Viet Nam

FGD Session 3- 29 August 2023

Participating economies: Australia; Indonesia; New Zealand; Papua New Guinea

FGD Session 4- 6 September 2023

Participating economies: Canada; Mexico; Peru; The United States

These sessions have been productive and fruitful with active participation from both freelance workers and representatives from relevant government and non-government organizations. Substantial information was gathered during the discussions, supplementing what have been provided by the survey participants. The FGD questions and topics are found in Annex 6.5.

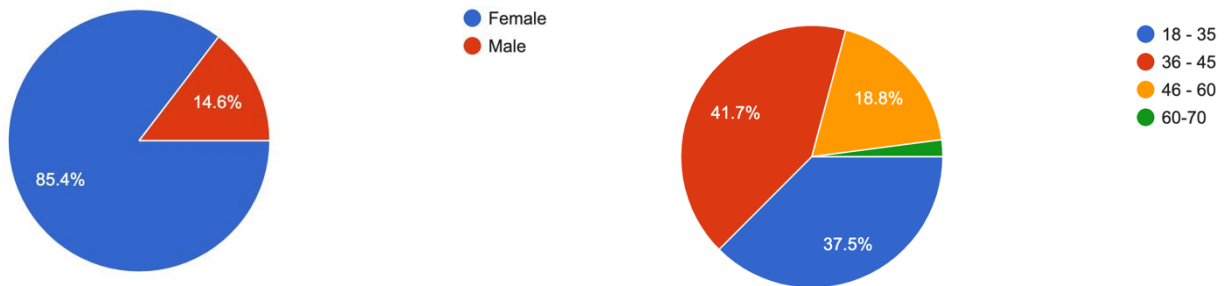
2.3 Secondary Research - Online research has been done to get information on statistics and trends related to the global freelance industry and in specific economies; existing freelance platforms in APEC economies; freelancer associations; individual freelancers and government entities to be invited to participate in the survey and FGDs; as well as legislations and initiatives being done by specific APEC economies to protect and support freelance online workers, especially women.

3. PROFILE OF SURVEY AND FGD PARTICIPANTS

Freelance Online Workers Profile:

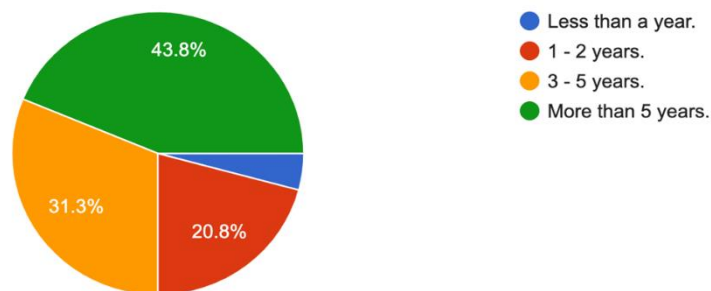
Gender and Age

The survey participants/respondents are composed of 85% females and 15% males. Majority (42%) are between 36-45 years old, 37% are 18-35 years old, and the rest are 46 years old and above.



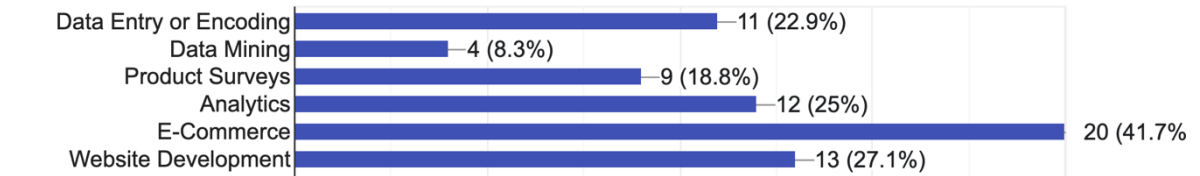
Length of Experience as a Freelance Online Worker

Most participants, comprising 44%, have more than 5 years of experience doing freelancing online. Another 32% have 3-5 years of experience, while the rest are newbies. 54% are platform members and 46% are independent with no platform affiliation.



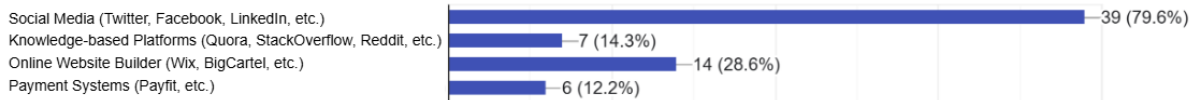
Type of Work

Majority of the participants (42%) are doing work related to e-Commerce (inventory control, sales or product monitoring, logistics monitoring, etc.); second highest (27%) is website development; Analytics comprise 25%; and data entry or encoding has 23%. It has to be noted that a freelancer may do several activities and is not confined to only one function.



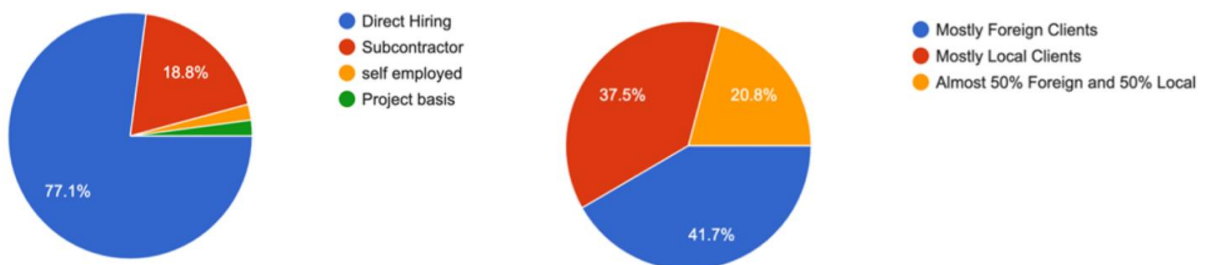
Digital Media Used

On the other hand, the most common digital media being used by 79% of the respondents is social media (Twitter, Facebook, Instagram, etc.). The next most popular is Online Website Builder (e.g. Wix, BigCartel, etc.), comprising 29%. Knowledge-based sites are used by 15%, while Payment Systems (Payfit, etc.) are utilized by 12.5% of the freelancer participants. Freelancers are using more than one digital media in doing their work.



Engagement with Customers

Majority of the freelancers, i.e. 77% of them, are directly commissioned by their customers and only 19% are working as sub-contractors. There are more freelance online workers who are catering mostly to foreign customers (42%), than those servicing mostly local customers (37%).

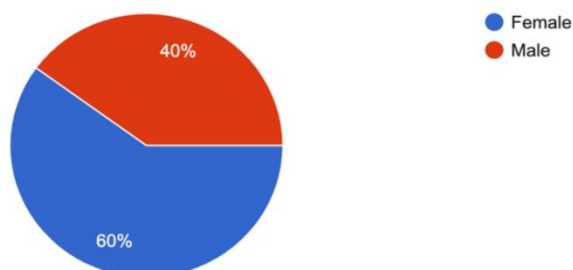


Government & NGO Survey Respondents/Participants Profile:

Gender

There was a total of 16 respondents from government entities and non-government organizations coming from 8 APEC economies. Thirteen came from government entities, while 3 came from NGOs or Women Business Associations.

60% of the respondents from this category are female, while 40% are male.



Type of Entities

The representatives from the government are mostly coming from their respective Ministry of Labor & Employment or Ministry for Women. Their positions vary from Deputy Director level to Deputy Minister.

On the other hand, the NGO representatives are coming from Women Business Associations in their respective economies.

4. FINDINGS FROM THE SURVEY AND THE FOCUS GROUP DISCUSSIONS

4.1 Advantages of Being Freelance Online Workers

Flexible working hours and “being your own boss”

Based on the survey, the most commonly cited benefit of being a freelance online worker is “being your own boss” and having control over one’s schedule and work arrangements. For women freelancers, this freedom provides them the opportunity to earn a living, in addition to doing their caring duties at home and attending to other household chores.

Since they are not tied down to an eight-hour job, they can tailor-fit their working hours enabling them to look after other priorities. This kind of arrangement is ideal for women, who are traditionally assigned to do unpaid care and domestic work such as taking care of children and the elderly. Since the projects they get are generally output oriented, they can adjust their schedules, allowing time for family,

hobbies, and relaxation. With such flexibility, they generally achieve a better work-life balance.

Freelancing, therefore, fosters independence, creativity, innovation and the ability to diversify one's projects and skills.

Safety and better health

Since most freelancers work from home, they are spared from the trouble of commuting and wasting time in traffic. The advantage was more evident during the Covid-19 pandemic when they could safely work from home without much disruption.

Additional income streams

Due to its flexible nature, working as a freelancer in the digital economy provides an opportunity for additional income, over and above a worker's existing job or business endeavor, i.e. in the case of part-time freelancers. It gives a chance for underemployed people to utilize their extra time and augment their income.

4.2 Challenges and Disadvantages of Freelance Online Workers

Inadequate Institutional Support

Most governments of APEC member economies do not have enough knowledge about the working conditions and issues affecting freelancers or independent online workers. More than 70% of the government entities who were invited to participate in the survey mentioned that they do not have first-hand information regarding the situation of freelancers and that they have no relationship nor connection with freelancer groups or Platforms in their respective economies.

Out of the 15 APEC economies that participated in the Survey and the FGDs, only two economies, Australia and the Philippines, have clearly confirmed that they have an established formal communication channel between the government and workers in their gig economies.

In Australia, the state of Victoria has institutionalized protection for the rights and welfare of freelancers by creating the Gig Workers Support Service (GWSS). As shared by the Australian government representative during the FGD Session 3, the GWSS is committed to improving fairness and support for gig workers. Their functions include providing information and advice or making a referral to other services to resolve disputes. Specifically, GWSS help gig workers to:

- understand rights, protections and entitlements under the workplace and related laws;
- make informed decisions about working for a platform;

- resolve work disputes, by putting gig workers in touch with relevant Government agencies and other services; and
- promote and administer the Voluntary Fair Conduct and Accountability Standards to improve gig work conditions and help platforms to understand and implement such Standards.⁹

In the Philippines, the Department of Information & Communications Technology (DICT) is collaborating with the Filipino Online Professional Service Cooperative (FOPSCO), a community of seasoned online freelancers, trainers, and online business owners, to provide training courses for freelance practitioners. The Philippines' Department of Labor and Employment - Bureau of Workers with Special Concerns (BWSC), established in 2019, is also reaching out to freelancers to understand their concerns and needs¹⁰ and is now looking forward to the implementation of the Freelance Workers Protection Act and the approval of other proposed bills protecting freelance workers in the Philippines.

The Philippines' House of Representatives has approved the Freelance Workers Protection Act providing protection and relief to over 1.5 million Filipino freelance workers. The bill mandates the institutionalization of benefits such as night differential and hazard pay for freelancers, whenever they are applicable.¹¹ On the other hand, another proposed bill from the Philippines' Senate called the Freelancers Protection Act upholds the rights of freelancers and defines the work benefits that they should receive. It recognizes the changing concepts of work and employer-employee relationships due to technological development. The bill defines the rights of freelance workers to:

- just compensation and equal remuneration for work of equal value without manipulation or distinction of any kind;
- safe and healthy working conditions;
- self-organization and to collectively negotiate with the government, client and other entities for the promotion of their welfare and in advancement of their rights and interests;
- protection against any form of discrimination, violence, sexual harassment, and abuse; and
- affordable and adequate financial services, as well as social protection and social welfare benefits.¹²

There are a number of other governments that are now showing interest to study the impact of the gig economy and find out the needs of freelancers, but they are

⁹ [Gig Worker Support Service | Victorian Government \(www.vic.gov.au\)](https://www.vic.gov.au/gig-worker-support-service)

¹⁰ [DOLE | Bureau of Workers with Special Concerns](https://www.dole.gov.ph/bureau-workers-special-concerns)

¹¹ [House approves bill protecting freelancers on final reading | Inquirer News](https://www.inquirer.net/ph/news/2020/06/01/house-approves-bill-protecting-freelancers-on-final-reading)

¹² [Bill to protect freelancers in the Philippines fast tracked for approval | HRM Asia : HRM Asia](https://www.hrmasia.com/news/bill-to-protect-freelancers-in-the-philippines-fast-tracked-for-approval)

doing such initiative as an *ad hoc* activity. They have no established government offices yet nor mechanism dedicated to seriously look after the welfare of freelancers.

In addition to Australia and the Philippines, some other economies, like Japan; New Zealand; Russia; Singapore; Thailand; and the US, have existing laws or have started formulating guidelines to protect the rights of freelance workers - but many other economies are yet to follow suit. Also, the implementation of the existing laws is yet to be proven and institutionalized.

Other Issues Affecting Freelance Online Workers

Based on the results of the Survey and the 4 Focus Group Discussions (FGDs) that were conducted, the most common problems affecting freelance online workers are:

➤ **Inconsistent and Insufficient Income** - Freelancers often face income fluctuations, as work opportunities may not be consistent nor predictable. Some months may be financially rewarding, while others may be lean, requiring careful budgeting and financial planning. This is especially true to freelancers who are new to the industry and are just starting to serve a few customers (or Platform end-users). The experienced freelancers who have already established a good reputation and are managing a number of loyal customers are not so concerned about income inconsistency. This has been apparent in the comments we gathered from seasoned freelancers during the FGDs.

Another cause of trouble for newbies is that they tend to price themselves lower than the normal rate because they still do not have the experience and confidence to value their real worth. Most often they rely on what the customer wants to pay and are unable to negotiate a fair rate. This practice is damaging not only to the freelancer involved, but to the whole industry since customers will be expecting that other freelancers should also charge lower rates which could result to cut-throat competition in the industry.

➤ **No standard rates for similar kinds of online work** - Customers tend to pay low rates to inexperienced freelance workers, especially because the latter do not know yet how to put a price on their services, how to package a good proposal or how to negotiate a good deal.

All respondents therefore said that it would be useful if government could come up with standard rates for each type of online work, especially for those who are just starting in the freelancing business. It is important for the newbies to have some guiding rates on how to price their particular type of services. This is to save them from offering their customers very low prices, undermining their

income and disrupting the going rates for specific digital services in a particular economy.

Junior workers with less than 5 years of freelance experience who are doing services such as data entry or encoding, data mining, product surveys, and other similar services, feel that they are not reasonably compensated. They are paid on a per contract/project basis – the value of which sometimes falls below minimum wage level when computed based on the number of hours/days needed to complete the project.

On the other hand, those who are doing higher level digital-based work and have more than 6 years of experience as freelancers are more satisfied with their compensation and nature of work, having established a track record and gained the capability to negotiate reasonable rates. However, just like the junior workers and newbies, they are also seriously concerned about the lack of much-needed social benefits, such as healthcare insurance, medical benefit, and social security insurance especially for old age, among others.

- **Lack of Health/Medical Benefits** - 80% of the freelance online workers who responded to the survey identified this as their top concern. They had to pay for their own medical insurance in order to get proper health coverage. Freelancers who do not have enough customers, have seasonal income, and are not paid well enough tend not to pay for health insurance as they conserve their income for lean periods when they do not have enough projects.

Only a few economies like Australia; Canada; New Zealand; and Singapore offer free full healthcare coverage to their citizens. Some economies that provide universal healthcare services still expect citizens to pay monthly contributions for health insurance.

One specific health concern for freelance online workers is mental health. This is because their work situation does not allow them to have the kind of social interaction usually present in office work. Since they normally work from home and most of the time alone, they have limited chances to make friends and socialize, making them susceptible to depression and the feeling of isolation.

Another possible health concern is over fatigue or burnout for those freelancers who tend to take on too many projects simultaneously. Taking too much workload curtails one's freedom and the need to have work-life balance, defeating the purpose of being a freelancer.

- **Inadequate Training and Education Opportunities** – Freelancers in the digital economy do not readily get chances to avail of upskilling courses. They normally search for training opportunities on their own and most of the time,

need to pay fees to attend needed courses. They avail of training on their personal time and the time spent on training are not counted as work hours.

Based on the survey and the FGDs, the respondents identified their training needs as a mix of technical and soft skills. The technical courses identified are very varied, depending on what field of digital work each freelancer is doing. But the common areas of interest are Artificial Intelligence and Data Analytics, SEO (search engine optimization) and Web Design, and Machine Learning.

On the other hand, the soft skills that they wish to learn are Project Management, Negotiation Skills, Time Management, Assertiveness, Conflict Resolution and Problem Solving, Resilience and How to Handle Frustration, People Skills, and Mindfulness.

- **Customers who do not honor the contract** - Based on comments gathered from the FGDs, one of the most serious problems faced by independent online workers are customers who pay late or who do not pay at all. Around 33% of the survey respondents said that they have had customers who did not honor the contract. Most of the cited cases have something to do with late payment and no payment.

In most APEC economies, freelancers (especially those who are not Platform members) normally have no recourse when customers refuse to honor the contract and do not pay for completed work. Oftentimes, they do not seek legal means to collect payment from these erring customers because filing a case is tedious and expensive. They are left without any options to collect, especially when the customer is based in a foreign economy. However, in the case of Platform members, the Platform operator assists in collecting payment from erring customers.

As gathered from the research, there were at least three APEC economies, i.e. Australia; Singapore; and the US, that have an established systems to assist freelance workers when their customers refuse to pay or honor the contract.

Australia, particularly the state of Victoria, has established the Gig Workers Support Service (GWSS) that provides a number of services to gig workers including dispute resolution. GWSS can link freelancers or gig workers to relevant government agencies to provide legal assistance. However, it is unclear whether they could assist in legal disputes involving foreign clients. Being the first of its kind in Australia, their services are limited to gig workers in Victoria state, and do not include the rest of Australia.¹³

¹³ [Gig Worker Support Service | Victorian Government \(www.vic.gov.au\)](http://www.vic.gov.au)

Singapore has a Small Claims Tribunal (SCT), part of the State Courts of Singapore, that resolves minor disputes between two parties quickly and affordably. The SCT covers claims related to contracts for the sale of goods and provision of services, among others. The claim limit is SGD20,000 (or SGD30,000 if there is a Memorandum of Consent signed by both parties). However, cases that can be filed in SCT are only those that involve parties that are both based in Singapore. Freelancers based in Singapore can make use of SCT services only if their erring client is local or Singapore-based. ¹⁴

The United States had passed the Freelance Isn't Free Act into law in 2017. This groundbreaking law protecting freelancers from nonpayment was a victory for Freelancers Union members in New York City and serves as a blueprint for other cities and states. Seattle and Minneapolis now have the same law. Its provisions include:

- **30-Day Payment Terms:** unless otherwise specified in a contract, clients must pay freelancers within 30 days of work completion.
- **Mandatory Contracts:** clients must use a contract when hiring a freelancer for over USD800 worth of work and they can face fines if they refuse to provide one.
- **Payment Agreement Protections:** clients cannot require that freelancers accept less than they are owed in exchange for timely payment.
- **Anti-Retaliation:** clients cannot retaliate against a freelancer for pursuing payment.
- **Legal Assistance:** a city agency will investigate, may try to collect on the freelancer's behalf, and will provide court navigation services if needed.
- **Double Damages:** freelancers can collect double damages and attorneys' fees in court and repeat offenders can face penalties of up to USD25,000. ¹⁵

However, when it comes to dealing with erring foreign clients, the US Freelance Law do not have direct provisions for protection. There are, however, legal options available to freelancers who encounter issues with non-payment or other problems caused by foreign clients. These options may include pursuing legal action through international arbitration or seeking assistance from legal professionals specializing in international law.

- **Unequal pay based on gender** - Around 20% of the women survey respondents expressed that they have experienced or have been aware of cases related to unequal pay between men and women doing the same kind of work. Most of the cases cited in the survey & FGDs are in the Americas, particularly in the US and in Peru.

¹⁴ [File a small claim](#)

¹⁵ [Freelance Isn't Free Act | Double Damages for Freelancers \(workingnowandthen.com\)](#)

One FGD participant shared a 2020 study done in the US by *ZenBusiness* involving 6,000 American freelancers, which revealed that in the US, men freelancers generally charge 48% more than women for the equivalent role. The average hourly rate for men is USD68.58, which is USD22.28 higher than the USD46.30 hourly rate for women, with tech and administrative roles responsible for the widest gaps. The largest gender pay discrepancy was for DevOps Engineers - men in this area of work charge USD100.90 per hour on average – more than three times as much as women (USD30 per hour).¹⁶

In Peru, women earn only 70 percent of the income earned by men.¹⁷ According to the Peruvian respondents, they have actually been in this situation for so long. This is true both for freelancers and regular employees. Peru scored 0.66 in the gender gap index area of economic participation and opportunity.¹⁸ The raw income gap between men and women showed an upward trend between 2007-2011, ranging from 6% to 12% and remained on the upward trend until now. The unexplained gap suggests the presence of structural problems regarding social norms, gender stereotyping and potential discrimination.¹⁹

On a positive note, it is gathered during the FGDs that the problem of unequal pay based on gender is not very evident in the Asian economies that participated in this study. Freelancers in these economies are paid based primarily on their skills and experience - gender is less of a consideration.

- **Inequitable work distribution based on gender** - About 15% of the women respondents cited that they have experienced unfair treatment where men are given more work assignments and higher-level technical functions than women. They complained that women are given simpler, less technical jobs and therefore, tend to earn lesser than men.
- **Harassment and discrimination** - Around 14% of women freelancers who responded to the survey have experienced some form of verbal harassment from customers using rude, inappropriate language as well as words with sexual connotation.

Some of the respondents experienced racial discrimination - for example, Asians are being given lower payment than their Western counterparts for the same amount and type of work. Examples of comments shared by the respondents state “That freelancers in other economies doing the same work

¹⁶ <https://www.zenbusiness.com/freelancer-pay-gap/>

¹⁷ <https://www.statista.com/statistics/803833/peru-gender-gap-labor-market-category/>

¹⁸ <https://www.statista.com/statistics/803833/peru-gender-gap-labor-market-category/>

¹⁹ <https://faculty.up.edu.pe/en/publications/the-gender-wage-gap-in-peru-drivers-evolution-and-heterogeneities-2>

that she does are paid a lot more than her”; “That she is working 12 hours per day, has no work-life balance, and yet paid less than her Western counterparts”; and that “he is highly skilled (performs CAD engineering) but paid only about a half of what equivalent freelancers in the US would get”.

- **No access to credit** - Another type of discrimination cited by the respondents is related to freelancers’ lack of access to credit. Many freelance workers felt discriminated by banks and other loan facilities refusing to provide them credit because of the nature of their work engagement, having no employer nor organization to vouch for their ability to pay. Some workers even find it hard to avail of credit cards because they cannot readily show a proof of income.
- **No paid leave** - Freelance online workers do not enjoy any paid leave, not even sick leave. They have to pay for their own social insurance coverage in order to avail of any compensation when they need to be hospitalized.
- **No old-age pension** – Freelancers need to voluntarily pay for their own social security insurance to be qualified for old-age pension.
- **No provisions/allowance for utilities used at home for work** - Freelance workers’ pay for the electricity and internet services which are essential to do their work, therefore they should incorporate these expenses when pricing for their services.

5. CONCLUSIONS AND RECOMMENDATIONS

The following recommendations have been drawn from the research, including suggestions from the survey and Focus Group Discussions, which may be considered to improve the working conditions and protect the rights of freelance workers in the digital economy:

- **Institutionalize support to freelancers.**

The importance of the freelance industry should be properly recognized. Each economy should consider establishing or assigning a dedicated government entity responsible for the conceptualization and implementation of policies and programs protecting the rights and welfare of gig workers. It could be a bureau under an existing Ministry (similar to the Bureau of Workers with Special Concerns under the Department of Labor and Employment in the Philippines) or a dedicated government organization like the Gig Workers Support Service of Victoria in Australia. Such entity may have the following functions:

- ✓ Be the focal point or the hub where freelancers might go to seek advice and referrals to other relevant government units that could assist them with their specific problems and needs.

- ✓ Develop and maintain a database of freelance workers, as well as freelance platforms, in the economy so they are properly identified and recognized. This way, the government can see the whole industry, track its progress and impact to the economy.
 - ✓ Design and implement programs and policies to monitor and regulate the practices of platform operators, ensuring that the freelancers affiliated with them are treated fairly in terms of pay, volume of work, manner of work allocation and performance assessment.
 - ✓ Identify the specific needs of freelancers in their particular economy and develop strategies on how to address them. Think of ways on how freelancers may be able to receive social benefits, such as healthcare and medical support, old age pension, and access to credit, among others.
 - ✓ Deliver programs to address freelancers' need for skills training and continuing education.
 - ✓ Assist in dispute resolution by providing or referring legal assistance to freelancers having problems with their customers, particularly in collection of payment. Set up a system where customers who habitually violate contracts with freelancers are blacklisted. The list of blacklisted customers should be shared with Platform operators and individual freelancers.
 - ✓ Implement laws passed by the government to protect the rights and welfare of independent workers. In the absence of such laws, influence lawmakers to legislate such.
- **Economies that do not have any law protecting freelance workers should be encouraged to legislate one.**

Given the increasing number of freelance online workers in every economy and considering their present working conditions, governments that have not considered creating a law protecting the rights of freelancers should already initiate doing so.

The law should include provisions to promote just compensation; gender equality in terms of pay and work distribution; access to social welfare services; safe and healthy working conditions; as well as protection against discrimination, harassment and exploitation that particularly affect women freelancers.

As an example, in Thailand, the Cabinet recently approved in principle to draw up a new legislation to protect self-employed workers. Under this new legislation, self-employed workers will be entitled to:

- Basic occupational rights; safety at work; social security; right to form an organization and collective bargaining;

- Be promoted, protected and developed towards a good quality of life;
- Fair work and contract, avoiding conditions that cause the work to be rushed resulting to risk or have the worker work too hard to the point of loss of health;
- Fair compensation; remuneration according to the specified rate and period;
- Welfare and basic insurance; and
- Establishing a fund for workers to have access to the source of financing appropriately

Thailand's Council of State is working on the details of this new legislation which is envisioned to be enforced once approved by the Parliament.²⁰

➤ **Establish official communication channels between the government and association of freelancers in an economy.**

In most APEC economies, there is no formal channel of communication between the government and freelance workers. This is because, in majority of the economies, freelancers are not unionized. Even though many of them belong to a freelance Platform or community, these Platforms do not organize themselves into an industry group that will enable them to have a voice that can be heard by government authorities. Platform operators must respect freelancers' need for unionization or association. Freelance workers should be encouraged to form formal organizations and elect their leaders to have representation in dialogues with the government and civic groups and be able to air their concerns as an industry.

Being a member of an association will also help a freelance worker develop a network of contacts, lessen the feeling of being alone and achieve a better social life.

A good example is the cooperative of freelancers in the Philippines called the Filipino Online Professional Service Cooperative (FOPSCO). It is a community of seasoned online freelancers, trainers, online business owners, and DigitalJobsPH graduates of the Department of Information and Communication Technology (DICT), from all over the Philippines. Through FOPSCO, freelancer members are linked to training opportunities provided by the DICT, other than the continuing education, mentoring and other training support provided by the cooperative. Members share in the earnings of the cooperative in the form of dividends.²¹

²⁰ [Thailand - Self-Employed Workers Being Protected under a New Legislation - Lexology](#), The Legal Co., Panisa Suwanmatajarn, Managing Partner

²¹ [Online professionals, digital skills trainers, online business owners \(fopsco.ph\)](#)

Another example of a successful freelance group is the Freelancers Union in the US. The Freelancers Union is a nonprofit organization based in New York City that provides advocacy, programming and curated insurance benefits for freelancers through partnerships. The organization disseminates information relevant to its members through monthly meetings. The Freelancers Union is not a trade union nor is it associated with one, but because of their advocacies and lobbying with the US government the Freelance Isn't Free Act was passed in 2017.²²

➤ **Platform operators should protect and look after the welfare of freelance workers using their platforms.**

Platform operators should develop and enforce fair work policies that promote equal treatment and opportunities for all freelance workers within their respective platforms. These include addressing discriminatory practices, for example - ensuring non-discriminatory algorithms and AI systems that prevent bias in the allocation of tasks or projects. They should also be able to provide advice and mentoring services particularly to freelance newbies on how to quote fair rates, how to negotiate effectively and forge proper contracts with customers, and other relevant assistance to protect their rights.

Platforms should support their member freelancers in skills development and continuing learning, as well as in ensuring work-life balance by properly managing work assignments. Workers' contracts with platform operators should be transparent on how work is assigned and evaluated, especially where Artificial Intelligence (AI) is deployed to assign tasks; how performance is assessed (e.g. timeliness and productivity), and how penalties are imposed.

It is recommended that a further study be done to zero in on the detailed practices of Platform operators. Since this is beyond the scope of this present Project, a subsequent survey among Platforms may be conducted to determine their processes and rules, with the view to establishing policies that will regulate Platform operations.

A designated government agency in the respective APEC economies should be tasked to monitor Platform practices and policies ensuring that their freelance members have humane working conditions and fair pay. Freelance workers should be able to lodge a complaint to the designated government entity against erring Platform operators as well as customers or Platform end-users.

➤ **Programs for upskilling and continuing education should be made available to freelance online workers, especially for women who are constrained to work from home.**

²² [Everything You Need To Know About The Freelance Isn't Free Act \(millo.co\)](https://www.millo.co/everything-you-need-to-know-about-the-freelance-isn-t-free-act)

Both the government and Platform operators may offer free or subsidized online courses, to enhance these workers' technical/digital skills, as well as soft skills.

Based on the survey and the FGDs, these freelancers are clamoring for relevant trainings on AI and Data Analytics, SEO (search engine optimization) and web design, as well as Machine Learning. On the other hand, the soft skills that they wish to learn are: Project Management, Negotiation Skills, Time Management, Assertiveness, Conflict Resolution and Problem Solving, Resilience and How to Handle Frustration, People Skills and Mindfulness.

Training courses could even include practical skills, such as how to comply with Bureau of Internal Revenue (BIR) rules on taxes; how to open a dollar account (to facilitate payment remittance of foreign customers); how to effectively negotiate contracts and avoid the tendency to undervalue their services, among others.

Upskilling women freelancers could lessen, if not eradicate, the problem of inequitable work distribution between male and female workers. As these women workers gain more knowledge and skills, they would be more capable of handling bigger projects and therefore, have better chances for higher income.

In line with their training needs, an **Upskilling Workshop for Freelance Online Workers in the APEC Region** was conducted in December 2023 under this project. This virtual workshop included the following training modules:

- 1) Artificial Intelligence (AI) Module: Machine Learning and Text Mining
- 2) Project Management (including time management & problem-solving); and
- 3) Negotiation Skills (including assertiveness & conflict resolution)

The virtual workshop was attended by 65 participants from 12 APEC economies. Out of the total attendees, 72% are women and 18% are men. Results of the feedback survey after the workshop revealed the audience's genuine appreciation for receiving relevant and quality training at no expense.

Similar upskilling activities may be conducted by relevant government entities in APEC economies, as well as by Platform operators, for the benefit of freelance online workers. Possible training areas suggested by the workshop attendees include Digital Marketing, Risk Management, Stress Management, Finance Management and e-Commerce related topics.

➤ **Standard rates should be established for the various types of services delivered online.**

There was a consensus among the survey respondents and FGD participants that having standard rates for the different types of online services would be useful. The standard rate will serve as the minimum rate to be charged to a customer for

a particular service. These guiding rates will be a useful basis for both the freelancers (especially the newbies) and their customers when they negotiate specific contracts. Having benchmark rates will help junior freelancers not to undervalue their services, as well as avoid cut-throat competition in the industry.

The designated government entity assisting the freelance industry in a particular APEC economy should be able to establish these rates in consultation with the Platform operators and freelance workers themselves. Moreover, Platforms should provide guidance and mentoring for inexperienced freelancers on how to get fair rates from customers or Platform end-users.

➤ **Platform operators should be encouraged to contribute to the social protection of freelancers, as well as their financing needs.**

The majority of freelance online workers who have just started in the industry and those with experience shorter than 5 years and have not established a solid client base, can hardly afford to have health care insurance nor contribute premiums to the government social insurance system (that provide old age pension). This is because they have erratic monthly income and they tend to conserve whatever money they earn since they are not sure when the next customer will come.

To assist freelancers, particularly those who are Platform members, Platform operators should be encouraged to contribute a certain percentage of their income to subsidize the health insurance and other social benefits of their member freelance workers.

A Contribution Fund, jointly funded by the freelance workers and the Platforms, may be established to provide a credit facility for freelancers who need financing for various purposes, e.g. to buy equipment needed for work; to establish a small office, to cover health expenses or other personal and family needs of Platform freelancers. As gathered from the survey, one of the challenges freelancers face is their lack of access to credit since they cannot easily show a proof of income to banks or any other financing facilities. Therefore, a fund that could help them with their financing needs would certainly be helpful. (Details on the possible mechanics of the contribution fund may form part of the suggested further study on Platform operations.)

➤ **Instill among freelance online workers the importance of having a Contract with their customers for every project or work assigned.**

All freelance online workers, whether Platform members or not, must ensure that they have a proper contract with every customer or Platform end-user that they work with for every project or work assignment that they accept. Without such Contract, workers (particularly women) open themselves to possible exploitation,

harassment and discrimination, health and safety problems, as well as the inability to get paid properly. A contract is very important in enabling freelancers assert their rights and compel the customer or Platform end-user to adhere to what has been agreed upon.

Freelancers, especially women, should make sure that they are quoting the right price and not undervaluing their work vis-a-vis their male counterparts' rates and compared to their colleagues in competing economies. Women freelancers should be provided appropriate training on effective negotiation to enable them to strike a fair deal.

The Contract should clearly state the agreed deliverables, timelines, manner of working, service fees and timing of payment, among other provisions that define the working arrangements between the freelancer and the customer or Platform end-user.

In **Annex 6.1** of this report, a **Model Contract for Freelance Online Workers and their Customers or Platform End-users** has been designed to serve as a reference for all online freelancers, whether they are Platform members or not. Freelancers, especially those who are totally on their own and have no Platform affiliation, are very vulnerable to what the customer dictates and therefore very much in need of a Model Contract to guide them in achieving fair deals.

Although the Platform may provide a pro-forma contract to be used by its member freelancer and the Platform end-user (customer), the contracting parties have the freedom to tweak such pro-forma contract to specify the level of pay, timelines, expected outputs and manner of delivery. So having a Model Contract would be useful to guide the freelancer on what possible provisions may be incorporated into the Contract to protect her/his rights, as far as her/his working relationship with the end-user is concerned.

➤ **Develop good practices and ethical standards in the freelance industry**

To professionalize the freelancing industry and to protect workers' rights and welfare, **Annex 6.2** of this report proposes a **Code of Ethics for Freelance Online Workers in the APEC Region**. Given that freelancers work independently and typically are not formally organized, it is important that a Code of Ethics be established to serve as their guiding principles, upholding workers' rights and enabling workers to work effectively; embody best practices; and protect themselves from unfair treatment from Platform operators, peers and customers or Platform end-users.

This Code of Ethics is being proposed for all freelance workers in the APEC region who deliver services virtually, including those who are totally independent and not affiliated with specific Platforms, as well as those who are Platform members.

Based on the survey done among freelance workers and relevant government entities under this project, the most important ethical principles and practices to be observed in the freelancing industry include professionalism and accountability; honesty and integrity; respect and fairness; open communication; continuing learning; collaboration and work-life balance. All these principles are expounded in the Code of Ethics in Annex 6.2.

It is crucial, however, to provide freelance practitioners a supportive and conducive working environment to enable them to follow and implement this Code of Ethics. It is, therefore, recommended that APEC economies consider to legislate and enforce laws that would create suitable working conditions for freelancers and to establish policies ensuring that Platform operators implement fair practices and protect workers' welfare, as described in the foregoing recommendations.

Despite the various challenges that freelance online workers experience, the gig economy has grown rapidly in recent years. Considering its substantial contribution to the world economy and people's livelihood, it is high time for government authorities to seriously consider developing policies and laws to support freelance workers and promote their welfare.

Since more and more women earn a living through online freelancing, measures should be put in place to protect them from poor and unsafe working condition, exploitation, harassment and discrimination. Relevant government bodies and digital Platform operators must implement policies addressing gender bias in terms of pay and work distribution.

ANNEX 6.1

MODEL CONTRACT FOR FREELANCE ONLINE WORKERS AND THEIR CUSTOMERS OR END-USERS

This Model Contract shall serve as a reference for all freelance workers in the digital economy as they transact business with their customers or end-users that require their services. This is designed as a guide for all freelancers who deliver services virtually, not only those who are affiliated with specific Platforms, but also those who are totally on their own and operating without any Platform affiliation.

Following are the definitions of some terms used in the Model Contract:

- **SERVICE PROVIDER** – refers to the freelance worker who provides services virtually. The Service Provider may be a member of a Platform or may be operating independently with no Platform membership;
- **END-USER** – refers to the Customer who commissions the services of the freelance Service Provider on the Platform, i.e. Platform end-user. The term **CUSTOMER** is used interchangeably with “end-user” to make it understandable to freelancers who are not affiliated to any Platform, but are also delivering services virtually.
- **PLATFORM** - A managed website that connects freelancers with End-Users or Customers who need their services. A platform is a digital marketplace or a hub where End-Users/Customers can browse profiles of, or get assigned or matched with interested and qualified freelance Service Providers.

All freelance online workers must know the importance of having a Contract with every customer or end-user that they work with on any project that they engage in. The Contract shall clearly state the agreed deliverables, timelines, manner of working, service fees and timing of payment, among other provisions that define the working arrangements between the Service Provider and the End-User or Customer.

Ideally, Platform operators should assist their member freelance workers in forging appropriate contracts with their end-users, ensuring fair and safe working conditions, as well as legal protection for said freelancers. Platforms should be able to provide a contract framework that safeguards the rights of freelancers, as well as ensures a level of security and clarity for both freelancers and their end-users.

Without a proper Contract, freelancers open themselves to potential problems, misunderstanding and unfair treatment, like exploitation, harassment, unsafe working conditions, and the danger of being shortchanged or not getting paid for their services. A Contract empowers freelance practitioners to assert their rights and compel end-

users or customers to honor their obligations.

All freelance workers who work online, whether Platform members or not, may use the following Model Contract or template as they enter into an agreement with their respective end-users/customers, as applicable:

This Contract is made and entered into between **XXX** (the “END-USER or CUSTOMER”) and **XXX** (the “SERVICE PROVIDER”) this XXth day of XXX 20XX (the “Effective Date”). All projects or the services that the SERVICE PROVIDER may be contracted to produce or provide for the END-USER / CUSTOMER shall be subject to the following stipulations:

1. PROJECT DESCRIPTION AND WORK COVERAGE

- 1.1. Description and Objectives of the Project (*Summarize the nature of the project and define the agreed purpose/s*)
- 1.2. Duties of the SERVICE PROVIDER (*List down the required deliverables or “Milestones” with the corresponding delivery schedules.*)
- 1.3. Duties of the END-USER / CUSTOMER (*List down the responsibilities of the end-user or customer that are not covered in the other clauses.*)

2. END-USER’S/ CUSTOMER’S INPUTS

- 2.1. The END-USER / CUSTOMER shall provide, in a reasonable and timely manner, all pertinent, accurate, and truthful information, such as documents, reports and other materials necessary for the Project’s completion. The SERVICE PROVIDER is not responsible for errors or omissions as a result of the END-USER/ CUSTOMER not fulfilling this obligation.

3. FEES AND PAYMENT SCHEDULE

- 3.1. The END-USER / CUSTOMER agrees to pay the SERVICE PROVIDER the total amount of XXX (xxx) for this project. The service fee is broken down as follows:
 - a. (*Cost of most expensive task*)
 - b. (*Cost of second most expensive task*)
 - c. (*Cost of remaining tasks*)

(Note: Should the End-User/Customer require the Service Provider to work beyond the normal working hours, i.e. between ten o’clock in the evening to six o’clock in the morning, a “night differential” or added compensation may be incorporated into the Service Fee based on applicable law of the APEC economy where the Service Provider is based. Further, the Service Provider

may also include a corresponding pay for work to be done during regular holidays as provided by law of the APEC economy where he/she is based. Refer to Sections 3.4 and 3.5)

3.2. Payment Schedule Table

<u>Total Cost</u>	XXX	
1st Installment	xxx	To be paid upon signing of Contract.
2nd Installment and	xxx	To be paid upon completion final approval of all deliverables or milestones.

- 3.3. The Total Cost referred to above in Sections 3.1 and 3.2 refers only to the work coverage stipulated in Section 1.2. Any expenses incurred outside the work specified in Section 1.2 shall be for the sole account of the END-USER/CUSTOMER. The SERVICE PROVIDER shall inform the END-USER/CUSTOMER of any additional expenses within 10 days from the date such expenses have been incurred. In the event that the SERVICE PROVIDER fails to inform the END-USER/CUSTOMER within the prescribed period, the END-USER/CUSTOMER may refuse to pay for such additional expenses, except in cases where delays are caused by force majeure or acts attributed to the END-USER/CUSTOMER.
- 3.4. In case the SERVICE PROVIDER is required by the END-USER/CUSTOMER to render work or do field assignments during the night, specifically between ten o'clock in the evening to six o'clock in the morning, a night differential pay equivalent to XXX (*amount depends on the applicable law in the corresponding APEC economy where the freelancer is based*) shall be incorporated in the Total Cost referred to in Sections 3.1 and 3.2.
- 3.5. Should the SERVICE PROVIDER be required to work during regular holidays (*in the APEC economy where she/he is based*), she/he shall be entitled to receive the corresponding pay allowed by local law. Such amount shall also be incorporated in the Total Cost in Sections 3.1 and 3.2.
- 3.6. The END-USER/CUSTOMER shall issue the payment to the SERVICE PROVIDER as stipulated in Section 3.2, within five (5) days from the receipt of invoice.
- 3.7. The END-USER/CUSTOMER may not request for a refund once payment has been made for a completed output or deliverable.

4. INTEREST AND PENALTIES

- 4.1. Payments not received within the prescribed 5-day period after the END-USER/ CUSTOMER has received the invoice, shall result in a cessation of services, as the SERVICE PROVIDER reserves the right to refuse completion or delivery of work until past due balances are paid.
- 4.2. The penalty interest rate on any delayed payment by the END-USER/ CUSTOMER in contravention to the aforementioned payment schedule shall be one-tenth of one (1) percent of the unpaid amount for each day of delay; this interest shall be compounded and counted from the date of receipt of the invoice by the END-USER/CUSTOMER, following payment schedules outlined in Sections 3.1. and 3.2.
- 4.3. In the event that the SERVICE PROVIDER is unable to satisfactorily deliver the agreed service or output within the agreed period, the END-USER/ CUSTOMER shall impose a penalty of one-tenth of one (1) percent of the cost of the unperformed portion of the work per day of delay.

5. OUTPUT OR DELIVERABLE APPROVAL AND REVISION

- 5.1. The END-USER/ CUSTOMER assumes full responsibility for the acceptance of the deliverables or services performed and agreed upon, as well as final proofing and accuracy of the Project outputs.
- 5.2. The END-USER/ CUSTOMER shall accept or approve in writing all completed output or deliverable within X (*number of*) days upon completion and submission of such by the SERVICE PROVIDER.
- 5.3. Should the END-USER/ CUSTOMER decide that a revision to the output or deliverable is necessary, she/he shall provide written comments sufficient to identify her/his concerns, objections, or corrections. The SERVICE PROVIDER shall undertake needed steps to address such revisions within X (*number of*) days.
- 5.4. The END-USER/ CUSTOMER is allowed to provide the SERVICE PROVIDER with X (*number of times*) revision requests for the project.
- 5.5. Major revisions that are beyond the project coverage and milestones stipulated in Sections 1.1 and 1.2 of this Contract, shall entail an adjustment in the project timeline and service fee of the SERVICE PROVIDER, upon mutual agreement of the parties.

6. CONTRACT EFFECTIVITY AND TERMINATION

6.1. This Contract shall come into force on the Effective Date and shall continue to be in effect, until the fulfillment of all obligations entered into by the parties. Either of the parties may request for an extension of the Contract period, in writing. Any extension shall only be enforced upon mutual consent of both parties.

6.2. This Contract can only be pre-terminated upon mutual agreement of the SERVICE PROVIDER and END-USER/ CUSTOMER. Should any of the parties request for pre-termination, the requesting party must provide a written notice at least XX (*number of*) days in advance of the proposed date of termination. The other party shall be given XX (*number of*) days to respond, either approving or declining the termination. If no response is received within this period, the Contract is considered terminated on the effective date specified in the notice. This Contract may be pre-terminated based on valid grounds as follows:

6.2.1 Force majeure – acts of God or circumstances beyond the control of the parties, making the performance of the agreed service or output inadvisable, commercially impracticable, illegal, or impossible.

6.2.2 Fraud - when a deception or misrepresentation is done intentionally by either of the parties for the purpose of benefiting monetarily or for personal gain.

6.2.3 Mutual mistake - when the parties are mistaken about the facts relating to a vital part or parts of this Contract, which have not been anticipated by both parties before they entered into this Contract.

6.2.4 Breach of Contract – this Contract may be pre-terminated if the party claiming the breach is able to show that the failure or violation resulted in a material breach of the terms of the Contract. Should the breach be related to the delay in the delivery of service or output by the SERVICE PROVIDER or the delay of the END-USER's/ CUSTOMER's payment, the relevant provisions on penalties in Section 4 shall apply.

Any breach or conflict between the SERVICE PROVIDER and END-USER/ CUSTOMER shall be adjudicated by the Platform operator (*Include this clause if the Service Provider is a Platform member*).

6.3. Should this Contract be pre-terminated, the END-USER/ CUSTOMER must pay the fees for the work and services already rendered by the SERVICE PROVIDER corresponding to the Milestone at which the project is in at the time of pre-termination. The END-USER/ CUSTOMER shall pay the invoice

within five (5) days of receipt.

7. INTELLECTUAL PROPERTY OR OWNERSHIP OF THE DELIVERABLES

- 7.1. Ownership pertains to the Economic Rights over the outputs - including but not limited to reproduction, distribution, and display rights.
- 7.2. Ownership over a particular project output shall belong to the END-USER/ CUSTOMER only upon full payment of the specific Milestone where said output is included.
- 7.3. The SERVICE PROVIDER shall have exclusive ownership of all preliminary and/or unapproved work created. The SERVICE PROVIDER may use such preliminary and/or unapproved work for any purpose he/she sees fit, except outputs that would compromise confidentiality of END-USER/ CUSTOMER information.
- 7.4. Provided that the Confidentiality Clause in Section 10 of this Contract is maintained, the END-USER/ CUSTOMER grants the SERVICE PROVIDER the right to use the final outputs of the project for the purpose of advertising her/his skill sets through, but not limited to, her/his portfolio, website, and social media platforms.

8. COMMUNICATIONS OR NOTICES

- 8.1. All communications between the SERVICE PROVIDER and END-USER/ CUSTOMER shall only be through the following modes:

	<u>SERVICE PROVIDER</u>	<u>END-USER/ CUSTOMER</u>
Point Person	NAME	NAME
Email Address	xxx	xxx
Mailing Address	xxx	xxx
Phone Number	xxx	xxx

9. ETHICAL STANDARDS

- 9.1 The END-USER/ CUSTOMER and the SERVICE PROVIDER agree that behaviors that harm, intimidate or coerce any of the parties are inappropriate and unacceptable in the work relationship.

9.2 The END-USER/ CUSTOMER recognizes that the SERVICE PROVIDER has the right to work in an environment free from all forms of bullying, discrimination and harassment, including, but not limited to harassment based on sex, race, religion, economy origin, disability, or age.

10. OCCUPATIONAL SAFETY AND HEALTH

10.1 The SERVICE PROVIDER agrees to maintain a safe and healthy work environment, with attention to ergonomics and screen time management. She/he will take reasonable steps to ensure her/his remote workspace is conducive to productivity and free from undue risks. Any significant technical issues, security concerns, as well as health and safety hazards affecting her/his ability to perform work should be promptly reported to the END-USER/ CUSTOMER. The parties shall agree on possible remedies to resolve the reported safety and health issues.

10.2 The END-USER/ CUSTOMER agrees to provide any necessary guidelines and tools to ensure the secure and efficient completion of the work. This includes ensuring that any software, hardware, or platforms provided meet the appropriate safety and security standards. If additional safety or technical resources are required by the SERVICE PROVIDER, the END-USER/ CUSTOMER shall endeavor to make these available.

11. CONFIDENTIALITY CLAUSE

11.1 All correspondence and documents governing this Contract, including but not limited to oral and written communication and contracts, financial information, reports, records, trade secrets, meeting minutes, or financial information, will be treated as proprietary and confidential between the END-USER/ CUSTOMER and SERVICE PROVIDER unless consent has been granted by both parties involved.

11.2 The SERVICE PROVIDER shall keep confidential all trade secrets, business processes, innovations, accounts and financial information disclosed by the END-USER/ CUSTOMER and use such information only in relation to the deliverables to be submitted to the END-USER/ CUSTOMER. The SERVICE PROVIDER shall only be able to keep such confidential information within a period of ____ (months/years) after the expiration or termination of this Contract, as reference in case any legal action emerges or must be taken. After such period, the SERVICE PROVIDER shall surrender all confidential information to the END-USER/ CUSTOMER or destroy such information to preserve their confidentiality

11.3 In the event that any party's confidential information is made available to third parties for purposes other than the furtherance of and in pursuance of this

Contract, the non-disclosing party is entitled to equitable relief.

12. NON-EXCLUSIVITY CLAUSE

12.1. The END-USER/ CUSTOMER and the SERVICE PROVIDER expressly acknowledge that this Contract does not create an exclusive relationship between the Parties. This Contract shall not render the SERVICE PROVIDER as an employee or partner of the END-USER/ CUSTOMER for any purpose. The END-USER/ CUSTOMER shall not be responsible for withholding taxes and the SERVICE PROVIDER shall have no claim against the END-USER/ CUSTOMER for vacation pay, health benefits, or other employee benefits of any kind. The END-USER/ CUSTOMER is free to engage others to perform the same or similar nature of services of the SERVICE PROVIDER. The SERVICE PROVIDER is entitled to offer and provide similar services to other businesses and END-USERS/ CUSTOMERS.

12.2 The SERVICE PROVIDER has the right to subcontract out specific tasks under the Project, provided the SERVICE PROVIDER informs the END-USER/ CUSTOMER of this intent prior to the signing of this Contract. The END-USER/ CUSTOMER has the right to specify that certain tasks are not subcontracted.

13. TAXES

The SERVICE PROVIDER shall be exclusively liable for the payment of state taxes pertaining to the service fees earned under this Contract, as required by applicable law. The SERVICE PROVIDER acknowledges that the END-USER/ CUSTOMER and/or its attorneys shall not make and have not made any representations regarding the taxability of the payments.

14. CONTRACT MODIFICATIONS OR AMENDMENTS

No amendment, change, or modification of this Contract shall be valid unless in writing signed by the parties hereto.

15. SUCCESSORS AND ASSIGNS

All provisions of this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, if any, successors, and assigns.

16. ENTIRE UNDERSTANDING

This document and any exhibit attached constitute the entire understanding

and agreement of the parties. The provisions contained herein shall not be in conflict with the existing service agreement between the SERVICE PROVIDER and (name of the Platform), as well as the agreement between the END-USER/CUSTOMER and (name of the Platform). In case of conflict between this Contract and the other agreements mentioned, the latter takes precedence. *(Applicable to freelancers who are Platform members.)*

(For freelancers not affiliated with Platforms, the following clause shall apply.) This document and any exhibit attached constitute the entire understanding and agreement of the parties, and any and all prior agreements, understandings, and representations are hereby terminated and canceled in their entirety and are of no further force and effect.

17. ACCEPTANCE OF CONTRACT

We, the undersigned, have read the above stipulations, specifications, and conditions which are hereby accepted. The SERVICE PROVIDER is hereby authorized to execute the Project as outlined in this Contract. The END-USER/ CUSTOMER agrees to pay the service fee as proposed above.

IN WITNESS WHEREOF, the undersigned have executed this Contract on the day and year first written above. The parties hereto agree that facsimile, as well as scanned signatures, shall be as effective as if originals.

SIGNED

NAME
SERVICE PROVIDER

NAME
END-USER/ CUSTOMER

ANNEX 6.2

PROPOSED CODE OF ETHICS FOR FREELANCE ONLINE WORKERS IN THE APEC REGION

This proposed Code of Ethics is designed to inspire and guide the ethical conduct of workers, particularly women, who are considered freelancers or independent workers in the digital economy as determined by the respective laws of APEC economies.

Freelancers may be full-time independent contractors, temporary workers affiliated with staffing firms, gig workers, project-based workers, self-employed business owners, people working in a mix of these areas, and all other workers without an employee-employer relationship with the platform operators nor with their customers or end-users of their services. Excluded as freelancers are workers who are determined by domestic law to be misclassified as independent contractors rather than employees.

Freelance online workers may be involved in various services, such as e-commerce operations (e.g. marketing, inventory control, sales or product monitoring, logistics monitoring, and the like); website development; data entry or encoding; data mining; analytics; content creation; market research; creative conceptualization and design; end-user/customer assistance; delivery and warehousing and many other services delivered online.

This Code of Ethics is being proposed for all freelance workers in the APEC region who deliver services virtually, including those who are totally independent and not affiliated with specific Platforms, as well as those who are Platform members. Following are definitions of some terms used in this Code:

Platforms are managed websites that connect freelancers with customers or end users who need their services. These platforms provide a digital marketplace or a hub where customers/end-users can browse profiles of, or get assigned or matched with freelancers based on their skills, experience, location, and other criteria. Platforms therefore facilitate the matching of said end-users with interested and qualified freelancers. Platform operators earn income by charging fees to both freelancers and end-users for using their services. They collect membership fees from their freelancer members, as well as commissions from every deal that happens between the freelance workers and end-users. They also charge service fees and advertising fees to customers/end-users who post their requirements for freelancers.

End-User or platform end-user refers to the customer who commissions the services of the freelance worker on the Platform. In this document, the term **Customer** is used interchangeably with “End-User” to make it more understandable to freelancers who are not affiliated to any Platform, but are also delivering services virtually.

Given that freelance practitioners work independently and typically are not formally organized, it is imperative that a Code of Ethics be established to serve as their guiding principles, upholding workers' rights and enabling workers to work effectively; implement best practices; and protect themselves from unfair treatment from platform operators, peers, and end-users or customers who are receiving their services.

To enable freelance online workers to adhere to the ethical principles defined in this Code, it is crucially important that they are accorded a conducive and supportive working environment, where fair practices are implemented by platform operators with which said freelancers are affiliated.

Platforms' support is needed to promote the welfare of freelance workers particularly in their skills development and continuing learning, as well as in ensuring work-life balance for them. Platforms should contribute to the professionalization of the freelance industry by promoting transparency, accountability and adherence to ethical standards.

Specifically, platforms have responsibilities to workers and end-users - the fulfilment of these responsibilities are necessary to enable platform workers to adhere to the principles in this document. These include, but are not limited to the following:

- Respect workers' rights.
- Disclose clearly to workers how task assignments, compensation, and penalties are determined.
- Ensure protection of, and take primary responsibility for, data privacy of workers and end-users.

A separate study may be done to evaluate the practices of platform operators and how they treat freelancers with the view to establishing policies that will define platforms' roles and obligations to protect the rights and welfare of freelance practitioners. Since this is beyond the scope of this present Project, a subsequent study is necessary to do a more detailed review of platform practices, ethical standards and the rules they impose on their freelance members, to formulate appropriate policies governing platform operations.

Based on the results of the survey that was conducted under this Project in June 2023, involving freelance online workers and relevant government entities from 15 APEC economies, the following ethical principles were identified as priorities to form part of the Code of Ethics for online freelance workers, whether they are members of a Platform or not:

1) PROFESSIONALISM AND ACCOUNTABILITY

Every freelance worker delivering services online shall endeavor to maintain high standard of professionalism and honor commitments agreed upon with their platform operators, as well as with the customers or end-users needing their services. To establish an effective working relationship between the service providers and the end-users or customers, it must be a standard practice that they enter into a Contract, either with the platform or the end-user/customer, defining clear objectives, scope of work, timelines, service fees and penalties or remedies in case of default by any or both parties.

Professionalism equates to delivering high-quality output on time. It means being responsible and accountable for the completion of the project at hand, exerting best effort to add value and genuinely helping their customers/end-users attain their goals. It also means being emotionally intelligent, putting personal problems aside and not letting them affect the quality and timeliness of work delivery.

Professionalism encompasses all the following principles to be embodied by freelance online workers for them to be effective in the conduct of their work.

2) HONESTY AND INTEGRITY

Freelancers must be truthful about their skills, qualifications, experiences, as well as limitations. It is important to accurately represent one's abilities and credentials to their customers, ensuring the latter have a clear understanding of what to expect. When forging an agreement with customers, a freelance worker must not overcommit and promise to take on responsibilities that she/he cannot realistically deliver.

Before entering into a Contract with a platform or end-user/customer, freelance practitioners must openly declare to the other Contracting party any circumstances that might lead to conflicts of interest and undermine the independence of their judgment.

On the other hand, workers' contracts with platform operators should include a disclosure of how work is assigned and evaluated, especially where Artificial Intelligence (AI) is deployed to assign tasks; how performance is assessed (e.g., timeliness and productivity), and how penalties are imposed. This kind of transparency enables the platform workers to understand, provide informed agreement to, and perform the expected scope of work with professionalism, honesty, and integrity.

Freelance workers, especially those involved in content creation and creative services, must never plagiarize the work of others. They must give due credit to other people's ideas, inventions, work, copyrights, patents, and other forms of intellectual property.

Sharing false or misleading information, fabricating data, giving or receiving bribes, and other dishonest behaviors are violations of this Code.

3) RESPECT AND FAIRNESS

Freelance workers must always be respectful to their customers, as well as to their peers and colleagues. At the same time, they must not tolerate any disrespectful treatment like bullying, harassment, violence and discrimination from customers, platform operators and colleagues.

Equality, tolerance, respect for others, and justice shall be vital tenets in the freelance industry – whether the relationships involved are between peers, between platform operators and workers, or between workers and customers. Discrimination on the basis of sex, economy or ethnicity, race, age, disability, family status, religion or belief, or membership in other historically marginalized communities is an explicit violation of this Code.

Freelance practitioners must respect data privacy and endeavor to protect confidential information such as end-user or customer data, trade secrets, business strategies, financial information, and other sensitive data. Respecting data privacy involves adopting methods to prevent re-identification of anonymized data, avoiding

unauthorized data collection, ensuring data accuracy and protecting it from unauthorized access and improper disclosure.

At the same time, platforms are expected to be transparent in their collection, and use of the personal data of freelancers, avoid excessive collection of personal data, and respect their right to privacy.

4) OPEN COMMUNICATION

Freelance online workers should communicate openly, clearly and timely with their customers to avoid misunderstanding and achieve smooth delivery of outputs and completion of projects. Responding promptly, being proactive in providing updates, and addressing concerns efficiently contribute to a positive and collaborative working relationship.

Freelance workers should not hesitate to immediately clarify any vague issues relating to their Contracts with the platform or end-users/customers, such as deliverables, timelines and matters relating to payment of fees. They should also promptly inform the other Contracting party about problems or issues affecting the project, manage expectations effectively, and discuss solutions mutually acceptable to both parties.

Communication between workers and service end-users/customers, as well as among peers and colleagues, must always be polite and respectful. Use of rude language and demeaning words must never be tolerated.

5) CONTINUING LEARNING

Freelance online workers should continually grow in their profession. Upgrading skills should be an ongoing process which might include independent study, attending conferences or seminars, travelling, and other informal or formal education.

Other than improving their qualifications, they should keep themselves abreast with new trends and technologies in the dynamic digital economy. The continuous pursuit for learning opportunities is not only for their professional advancement, but also for their personal development and well-being.

Platform operators should support the skills development of freelancers who are affiliated with them. Relevant government agencies in APEC economies should also consider developing policies and programs supporting the skills upgrade of freelance online workers.

6) COLLABORATION

Since freelancers normally work from home or a makeshift office and most of the time alone, they lack social interaction or face-to-face contact with customers and colleagues which is needed to promote mental health. They should therefore endeavor to join local, regional or international professional organizations to build their social network and find opportunities for collaboration.

Freelance workers in a particular economy should consider forming an association or a union or cooperative, not only to build camaraderie among themselves, but for them to have a voice as an industry. Platform operators must respect such unionization or association. Such an association could strive to develop strong links with government authorities and other relevant entities to communicate and resolve particular concerns affecting their members, as well as the freelance industry as a whole.

7) WORK-LIFE BALANCE

Oftentimes, freelance practitioners are tempted to take on too many projects simultaneously. They are, therefore, at a high risk for burnout, fatigue, and stress-related health issues. Poor work-life balance can also make a worker less productive despite putting in more hours to work. Taking on too much workload curtails one's freedom, defeating the purpose of being a freelancer.

To create a healthy work-life balance, freelance workers must be enabled by the platforms through transparency in the determination of work assignments; work assessment; and decisions on penalties; adequate and predictable fees for the work completed; and reasonable work schedules.

Freelance practitioners should consciously manage their time and energy to achieve both professional and personal goals, while giving enough attention to self-care and well-being. They should, therefore, establish clear boundaries between work and personal life, such as by designating specific working hours. They should prioritize tasks and effectively divide time between work and play, devoting time for hobbies and recreation. They should be able to manage stress by practicing mindfulness and other relaxing and enjoyable activities. Finally, the platforms should provide them the flexibility to adapt and manage their work load, allowing them to respond to possible unforeseen events and personal needs without sacrificing work responsibilities.

ANNEX 6.3

Survey on the Working Condition of Freelance Online Workers in the APEC Region (Perspective from Freelance Workers) - Note: The actual survey was done electronically.

PPWE Philippines is pleased to invite you to participate in our project entitled “**Advancing Women in Tech through the Digital Platform Economy**” (PPWE 03 2022A). This project, co-sponsored by Australia; Peru; and Chinese Taipei, aims to assess the working conditions, needs and barriers for freelance online workers, especially women.

The data generated through this survey will be used as basis to formulate policy recommendations and programs to promote the welfare and improve the working conditions of freelance online workers in all APEC member economies.

Survey respondents will have the opportunity to join Focus Group Discussions after the survey completion, and will be given priority slots to the virtual Upskilling Workshop for Freelance Tech Workers in December 2023.

All information provided will be treated with **confidentiality**. Any findings from this survey will not be linked personally to any of the respondents.

A. Profile of Respondent

A.1. Name: _____

A.2. Email: _____

A.3. Mobile Number with Local Code: _____

A.4. APEC Member Economy:

- | | | |
|---|---|--|
| <input type="checkbox"/> Australia | <input type="checkbox"/> Brunei Darussalam | <input type="checkbox"/> Canada |
| <input type="checkbox"/> Chile | <input type="checkbox"/> People's Republic of China | <input type="checkbox"/> Hong Kong, China |
| <input type="checkbox"/> Indonesia | <input type="checkbox"/> Japan | <input type="checkbox"/> Republic of Korea |
| <input type="checkbox"/> Malaysia | <input type="checkbox"/> Mexico | <input type="checkbox"/> New Zealand |
| <input type="checkbox"/> Papua New Guinea | <input type="checkbox"/> Peru | <input type="checkbox"/> The Philippines |
| <input type="checkbox"/> The Russian Federation | <input type="checkbox"/> Singapore | <input type="checkbox"/> Chinese Taipei |
| <input type="checkbox"/> Thailand | <input type="checkbox"/> The United States | <input type="checkbox"/> Viet Nam |

A.5. City (and State, if applicable): _____

A.6. Gender:

Female Male

A.7. Age:

18 - 35 36 - 45 46 - 60 Other: _____

A.8 Are you affiliated with a Platform? No Yes (specify)

B. Nature of Work

B.1. What is/are the digital media that you use? Check all that apply.

Social Media (Twitter, Facebook, LinkedIn, etc.)

Knowledge-based Platforms (Quora, StackOverflow, Reddit, etc.)

Online Website Builder (Wix, BigCartel, etc.)

Payment Systems (Payfit, etc.)

Others: (Specify) _____

B.2. How long have you been working as freelance online worker?

Less than a year.

1 - 2 years.

3 - 5 years.

More than 5 years.

B.3. What was your occupation before becoming a freelancer?

B.4. What type of online work do you do? Check all types that pertain to your services. Check all that apply.

Data Entry or Encoding

Data Mining

Product Surveys Analytics

E-Commerce

Website Development

Others: (specify) _____

B.5. Terms of engagement with your client/s:

Direct Hiring

Subcontractor

Other: _____

B.6. Clients' profile

Mostly Foreign Clients

Mostly Local Clients

Almost 50% Foreign and 50% Local

B.7. If you answered "Mostly Foreign" or "Mostly Local", kindly indicate the percentage. E.g. 80% Foreign.

C. Current Working Condition, Compensation, and Benefits

C.1. In your opinion, what are the advantages of being a freelance online worker? Check all that apply and/or provide your own advantages.

- Flexible Working Hours
- Better Life-Work Balance
- Spared from the Trouble of Commuting
- Additional Income Source (Over & Above Existing Job)

Others: _____

C.2. Please elaborate further (if needed).

C.3. On the other hand, what are the disadvantages or problems that you have as a freelancer in the digital economy? Check all that apply and/or provide your own disadvantages.

- Limited Interaction with Colleagues
- No Paid Leave
- No Health / Medical Benefits
- No Allowance for Utilities Used at Home (WiFi, Electricity, etc.)
- No Loan Facility
- No Old Age Pension
- Lack of Training and Education Benefits
- Clients Not Honoring Contract Terms

Others: (specify) _____

C.4. Please elaborate concerns further (if needed)

C.5. How much compensation do you receive for a particular type of work or project that you do? Kindly list the type of service, followed by your compensation. In USD, please specify if it is per hour, per day, or a contract price within a certain period; as well as if the fee is different between local and foreign clients. Example: Data Entry - USDXX per hour. Website Development - USDXX for the whole project.

C.6. In USD, what is the minimum daily wage prescribed for your city/area?

C.7. Do you think you are paid reasonably by your client/s?

Yes No

C.8. If you answered "No", kindly explain why.

C.9. What other benefits do you receive from your clients or from your government/local relevant organizations as a freelance worker? Check all that apply.

Health / Medical Insurance Paid Sick Leave
 Old Age Pension Training & Education Benefits
 None Others: _____

C.10. What other issues, if any, have you encountered while working as freelance online worker? Check all that apply.

Unequal Pay (e.g. Lower Pay for the Same Work Depending on Gender)
 Inequitable Work Allocation (e.g. Giving More Work to Men Than Women)
 Harassment / Discrimination
 Health hazards
 Others:(specify) _____

C.11. Please elaborate on the problems/issues you have encountered.

D. Your Suggestions

D.1. Considering the existing wage rates in your economy, what do you think is the fair compensation for your type of work? In USD.

D.2. Does your government prescribe a standard rate of compensation for services provided by freelance workers online?

Yes No

D.3. If you answered "Yes", please specify what the government-prescribed compensation (in USD) is for a specific type of work on the digital platform. Give details.

D.4. How is your payment determined?

D.5. What are your suggestions to address inequalities in the freelance industry? E.g. unequal pay, unfair work distribution, etc.

D.6. What are the reforms that should be done to improve your current working condition?

D.7. What types of training courses could improve your skills and enable you to engage more clients?

Technical / IT Courses Project Management
 Time Management Assertiveness
 Negotiation Skills Other: _____

D.8. If you selected "Technical / IT Courses" in the question above, kindly list the specific technical courses you may need.

D.9. In your economy, are there laws or programs that help promote the welfare of freelance/informal workers, especially women?

___ Yes

___ No

D.10. If you answered "Yes", please specify the existing laws and/or ongoing programs in your economy. If you answered "No", please specify what you wish your government should do to support freelance workers like yourself.

D.11. What ethical standards or best practices should freelance workers adhere to for the benefits of the whole freelance industry?

THANK YOU FOR COMPLETING THIS SURVEY.

*Your inputs are valuable for formulating future policies and programs to promote the welfare of freelance online workers, particularly women. You will receive our invitation for a **Focus Group Discussion** to tackle further the issues affecting these workers and to formulate possible reforms for their benefit.*

ANNEX 6.4

Survey on the Working Condition of Freelance Online Workers in the APEC Region (Perspective from Government & Non- Government Organizations) - Note:

The actual survey was done electronically.

PPWE Philippines is pleased to invite you to participate in our project entitled “**Advancing Women in Tech through the Digital Platform Economy**” (PPWE 03 2022A). This project, co- sponsored by Australia; Peru; and Chinese Taipei, aims to assess the working conditions, needs and barriers affecting freelance online workers, especially women.

The data generated through this survey will be used as basis to formulate policy recommendations and programs to promote the welfare and improve the working conditions of freelance online workers in all APEC member economies.

As a representative of your government or a Non-Government Organization, your inputs are valuable in evaluating the present status of freelance online workers in your particular economy and the types of support being provided (or to be provided) to them. You will also be invited to join a Focus Group Discussion after the survey completion, to discuss specific issues in more detail. Please note that a separate survey is being done among freelance tech workers from your economy, to complement your inputs.

All information provided will be treated with **confidentiality**. Any findings from this survey will not be linked personally to any of the respondents.

A. Profile of Respondent

A.1. Name: _____

A.2. Name of Government or Non-Government Entity: _____

Please also provide a link to your main website: _____

A.3. Email: _____

A.4. Mobile Number with Local Code: _____

A.5. APEC Member Economy:

___ Australia

___ Brunei Darussalam

___ Canada

___ Chile

___ People's Republic of China

___ Hong Kong, China

___ Indonesia

___ Japan

___ Republic of Korea

___ Malaysia

___ Mexico

___ New Zealand

___ Papua New Guinea

___ Peru

___ The Philippines

___ The Russian Federation

___ Singapore

___ Chinese Taipei

___ Thailand

___ The United States

___ Viet Nam

A.6. City (and State, if applicable): _____

A.7. Gender:

Female

Male

B. Status of Freelance Online Workers

B.1. Based on government statistics, what is the estimated number of freelance online workers in your economy?

B.2. In your economy, what types of work do freelance online workers do? Check all types that pertain to services being done in your economy. Check all that apply.

Data Entry or Encoding Data Mining

Product Surveys Analytics

E-Commerce

Website Development

Others: _____

B.3. In your opinion, what are the advantages of being a freelance online worker? Check all that apply.

Flexible Working Hours Better Life-Work Balance

Spared from the Trouble of Commuting

Additional Income Source (Over & Above Existing Job)

Others: (specify) _____

B.4. On the other hand, what are the disadvantages or problems that you think freelancers have? Check all that apply.

Limited Interaction with Colleagues

No Paid Leave

No health/Medical Benefits

No Allowance for Utilities Used at Home (Electricity, Wifi, etc) No Loan Facility

No Old Age Pension

Lack of Training and Educational Benefits

Clients Not Honoring Contract Terms

Others: (specify) _____

B.5. Please elaborate other problems or disadvantages.

C. Current Working Conditions, Compensation, and Benefits

C.1. For formally employed workers, what is the minimum daily wage prescribed by your government in major cities / areas within your economy? In USD.

C.2. For freelance workers, how is the compensation determined? What is the normal practice?

C.3. Does your government prescribe a standard compensation for specific types of work done by freelance online workers?

Yes

No

C.4. If you answered "Yes" to Item C.3., please cite the standard compensation for specific types of online services. Please list the type of service, followed by the compensation per day in USD.

Example: Data Entry - USDXX per day. Website Development - USDXX per day.

C.5. If you answered "No" to Item C.3., what do you think would be a fair compensation for specific digital services of freelance workers? Kindly list the type of service, followed by the compensation per day in USD. Example: Data Entry - USDXX per day. Website Development - USDXX per day.

C.6. Does your government provide any social benefits to freelance online workers?

Yes

No

C.7. If you answered "Yes", please check any of the relevant benefits below. Check all that apply.

Health/Medical Insurance

Paid Sick Leave

Credit facility

Old Age Pension

Training & Development

Others: (specify) _____

C.8. What problems do freelance online workers have in your economy? Check all that apply.

Unequal Pay (e.g. Lower Pay for the Same Work Depending on Gender)

Inequitable Work Allocation (e.g. Giving More Work to Men Than Women)

Harassment / Discrimination

Exploitation

Health hazards

Others: (specify) _____

C.9. What solutions may be done to address the problems you have selected above? Kindly list each problem followed by your proposed solution. Example: Unequal Pay - XXX Discrimination - XXX

C.10. What types of training courses do freelance online workers in your economy need to improve their skills and enable them to have more and better customers? Check all that apply.

Technical / IT Courses

Project Management

Time Management

Assertiveness & Negotiation Skills

Others: (specify) _____

C.11. If you selected "Technical / IT Courses" in the question above, kindly list the specific technical courses they may need.

D. Your Suggested Reforms and Best Practices

D.1. In your economy, are there laws or programs that help promote the welfare of freelance / informal workers, especially women?

Yes

No

D.2. If "Yes", please specify the existing laws and/or ongoing programs. If "No", please specify what your government should do to support freelance workers.

D.3. What ethical standards or best practices should freelance workers adhere to for the benefit of the whole freelance industry?

THANK YOU FOR COMPLETING THIS SURVEY.

*Your inputs are valuable for formulating future policies and programs to promote the welfare of freelance online workers, particularly women. You will receive our invitation for a **Focus Group Discussion** to tackle further the issues affecting these workers and to formulate possible reforms for their benefit.*

ANNEX 6.5

Focus Group Discussion- Guide Questions

APEC Project: Advancing Women in Tech through the Digital Platform Economy

Background

This APEC-funded project aims to assess the working conditions, needs and issues affecting freelance workers in the digital economy. This assessment may become a basis for crafting policies, reforms and programs to protect freelance online workers, such as data encoders/analysts, virtual assistants, web designers, project consultants, online teachers, content creators including writers, artists, and other independent workers. Other project objectives include upskilling these workers and providing them a draft Code of Ethics and Model Contract to guide them towards decent work.

In order to identify issues and concerns affecting freelancers, we conducted an APEC-wide survey among freelance online workers, including government entities and NGOs with interest in freelancers.

Based on the data gathered from the survey, we are conducting 4 Focus Group Discussions (FGD) via Zoom to validate information that need to be substantiated and to get consensus from the APEC economies on the most important issues to focus on.

Topics/Questions for the FGD

Issues Affecting Freelance Online Workers

- 1) In our recent survey, several problems affecting freelance workers were identified, such as: clients who do not pay on time or do not pay at all; lack of health benefits and old age pension; lack of sick leave provisions; exploitation, harassment and discrimination; lack of training support, etc. What other issues are affecting freelancers? Among all these issues, which ones do you think should be given urgent attention?
- 2) What are the current practices in the freelancing industry that are not advantageous to freelance workers? What do you think should be done to address them?
- 3) What sanctions can be done against customers who do not honor the contract, especially those who do not pay for completed output? What do you think can the government do to help?
- 4) One of the issues identified in the survey is the unequal distribution of work as well as pay between men and women. Is this true in your economy? How extensive is this problem and can you provide examples?
- 5) Have you been aware of any harassment and discrimination, especially towards women freelance online workers? Can you describe a situation when this happened?

- 6) How does your monthly income compare with somebody formally employed and doing the same work as you?
- 7) If your income is better than your employed counterpart, do you think the differential is enough to cover for your health insurance and old age pension premium? If not, how much more should you earn to be able to afford to pay for your own health and pension coverage?
- 8) Do you think having a standard rate for each type of digital work (for example, data entry, web design, data mining, content creation, translation or transcription services, etc) practical and workable? Should these standard rates be implemented within an economy and across economies?

Relationship between Governments & Freelance Online Workers

- 9) We observed from the survey that some governments within the APEC region are not informed about the situation nor working conditions of freelance workers. Do you think it is beneficial to build a link or communication channel between freelancers and the government? Why do you think so?
- 10) What do you think are the benefits of forming organizations or associations for freelancers? Will this help freelancers build better alliance with the government and relevant NGOs?
- 11) What can your government do to solve or lessen the problems that freelancers experience? What are the programs or initiatives within your economy to support freelance online workers?

Upskilling Needs of Freelance Online Workers

- 12) What do you consider are the most important technical courses and soft skills that freelance online workers need to increase their chances for success?

Freelancers Code of Ethics

- 13) Do you think freelance online workers should have a Code of Ethics? If yes, what are the most important practices that should be observed in the freelance industry?

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